

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2038 of 2018

- Amin Memon Shekhani S/o Haji Ismaiel Bhai Aged About 46 Years
R/o- Near Vikas Complex, Power House Road, Tahsil- Korba, P.S. City
Kotwali, District- Korba, Chhattisgarh., District : Korba, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer City Kotwali,
Korba, Revenue And Civil District- Korba, Chhattisgarh., District :
Korba, Chhattisgarh

---- Respondent

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MCRC No. 2068 of 2018

- Vijay Swami @ Tammi S/o Kumar Swami Aged About 29 Years R/o-
Bajrang Chowk, Rata Khar, P.S.- Kotwali, Korba, Tahsil And District-
Korba, Chhattisgarh., District : Korba, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station-
Kotwali, District- Korba, Chhattisgarh., District : Korba, Chhattisgarh

---- Respondent

For Applicants	:	Mr. Surfaraj Khan, Advocate in MCRC No.2038 of 2018.
		Mrs. Indira Tripathi, Advocate in MCRC No.2068 of 2018.
For Respondent	:	Mr. Sanjeev Pandey, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

26/04/2018

1. Since the above bail applications arise out of the same crime number,
they are being disposed of by this common order.

2. Both applications are applicant's first bail applications filed under Section 439 of the Code of Criminal Procedure, for grant of regular bail to the applicants who have been arrested in connection with Crime No. 34/2018, registered at Police Station-City Kotwali, District – Korba(C.G.) for the offence punishable under Section 420/34 of Indian Penal Code.
3. Learned counsel for the applicants submits that applicants are innocent and have been falsely implicated in this case. Applicants are in jail since 14.2.2018. Presently charge-sheet has been filed before the trial Court. The case against the applicant is triable by Judicial Magistrate First Class. The trial is likely to take some time before its conclusion, hence, it is prayed that they may be released on regular bail.
4. Learned counsel for the respondent/State opposes the applications and submissions made in this respect. It is submitted that applicant Amin Memon is a history sheeter having been prosecuted in 18 other cases for various offences under the provisions of IPC. Hence, he is not entitled for grant of bail.
5. Heard both the parties and perused the case diary.
6. According to the case of prosecution, an agreement to sell was executed between applicant Vijay Laxmi in MCRC No.2068/2018 and Hazi Imran Khan for removal of debris situated on the disputed property. It is alleged that applicant Amin Memon was the person who initiated this sell. It is further alleged that the debris or the land in question does not belong to applicant-Vijay Laxmi. Said land is infact an abadi land which was in possession of one Sheela Devi, however, she had also been dispossessed from the said land. After lodging of

FIR, the case has been registered against these applicants.

7. Considered on the entire material present in the case diary, looking to the nature of allegation against these applicants and the fact that the trial pending before the trial Court is likely to take some time before its conclusion, hence, I am of this view that this is a fit case where applicants should be released on regular bail.
8. Accordingly, the bail applications filed under Section 439 of Cr.P.C. are allowed. It is directed that the applicants shall be released on bail on their furnishing a personal bond for a sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the trial Court concerned, for their appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)

Judge