

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C No.2705 of 2018**

1. Dinesh Kumar Sha, S/o Shri Dharam Nath Shah Aged About 30 Years R/o 24, Pargana, P. S. Jagatdal, District North 24 Pargana, West Bengal
2. Chiranjeet Saha S/o Ruhidas Saha Aged About 26 Years R/o Hari Indira Nagar, 24, Pargana, P. S. Nai Hari, District North 24 Pargana, West Bengal
3. Akash Kumar Saha S/o Ramesh Saha Aged About 21 Years R/o Kakinara, Holdi No. 64/1, P. S. Bharpada District North 24 Pargana, West Bengal,

---- Applicants**Versus**

State Of Chhattisgarh Through The District Magistrate, District Durg
Chhattisgarh

---- Non-Applicant

For Applicant:	Shri Manilal Sakat, Advocate.
For State/Non-Applicant:	Shri Sanjeev Pandey, Government Advocate.

Single Bench: Hon'ble Shri Pritinker Diwaker, J
Order On Board

21.5.2018

1. The Applicants have filed this application under Section 439 Code of Criminal Procedure for grant of regular bail as they are in custody since 1.11.2017 in connection with Crime No.469/2017 registered at Police Station – Mohan Nagar, District Durg (CG) for the offence punishable under Sections 420, 511, 467, 468, 34 IPC.
2. As per the case of the prosecution, the Applicants have deposited duplicate gold ornaments at Manappuram Gold Loans Private Limited for obtaining loan of Rs.1,90,000/-.
3. Learned Counsel for the Applicants submits that while depositing the

gold ornaments, the Applicants were under the impression that the said ornaments are of pure gold. It has been argued that the offence is triable by the Magistrate and that the charge sheet has also been filed. It has been further argued that co-accused Bunty Saha has already been granted bail by this Court vide order dated 16.3.2018 passed in M.Cr.C No.314/2018 (Annexure A-3), the presents Applicants are in jail since 1.11.2017 and therefore, they may be granted bail on the grounds of parity.

3. On the other hand, learned counsel for the State opposed the prayer for bail.

4. Considering the totality of the facts and circumstances of the case, in particular, the allegation made against the Applicants and further considering the fact that the co-accused Bunty Saha has already been granted bail by this Court vide order dated 16.3.2018 passed in M.Cr.C No.314/2018, this Court is of the opinion that this is a fit case where the Applicants can be released on bail. Accordingly, the application is allowed and the accused/Applicants are directed to be released on bail on their furnishing a personal bond of Rs.2,00,000/- each with one surety for the like sum to the satisfaction of the Court of the concerned Magistrate for their appearance before it as and when directed.

Sd/-

(Pritinker Diwaker)
V. JUDGE