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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3976 of 2018**

Shobnath Yadav @ Butbut Yadav S/o Bhagwan Prasad, Aged About 35 Years Occupation Vehicle Mechanic, R/o Village Navagarh, Near Mahamaya Mandir, Ambikapur, District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station Kotwali, Ambikapur, District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh.

---- Respondent**And****M.Cr.C. No. 4360 Of 2018**

Ali Ahmed @ Monu Pasiya S/o Late Shri Abdul Hamid Aged About 33 Years Occupation- Service, Forest Guard (Forest Department), R/o- Village Navagarh Kharsiya Road, P.S. And Tahsil- Ambikapur, District- Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh.

---- Applicant**Vs**

State Of Chhattisgarh Through- The Station House Officer, Police Station Kotwali, Ambikapur, District- Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh.

---- Respondent

For the Applicants : Shri Jitendra Shrivastava, Advocate.
For the Respondent/State : Shri Anil S. Pandey, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****05.07.2018**

1. Both these applications are being decided by a common order as they arise from the similar matter. These are the first bail applications of the applicants filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.837 of 2016, registered at Police Station Kotwali, District – Ambikapur (Surguja), Chhattisgarh for the offence punishable

under Sections 120B and 420/ 34 of the Indian Penal Code.

2. Learned counsel for the applicants submits that the applicants in both the cases are in jail since 20.03.2018 and they have been falsely implicated in these cases. The main accused in this case is Abhay Singh who has cheated the complainant and received the amounts from him. These applicants alongwith co-accused – Anoj Vishavakarma had been making complaint about the fraudulent sale of land that had taken place in favour of the complainant because of which, they have been falsely implicated in this case. Similarly placed co-accused – Anoj Vishavakarma has been granted bail by this Court in M.Cr.C. No. 7232 of 2017, vide order dated 14.12.2017. Hence, it is prayed that the applicants in both the cases be benefited with grant of regular bail.

3. On the other hand, learned counsel for the State opposes the bail applications and the arguments submitted in this respect. It is submitted that according to the evidence present in the case-diary, these applicants have assisted main accused – Abhay Singh in the commission of offence. Hence, for these reasons, none of the applicants deserves to be enlarged on bail.

4. Heard counsel for both the parties and perused the case diary.

5. According to the prosecution case, complainant – Abhilash Kumar Rajwade made a purchase of land. Subsequent to that, both these applicants alongwith Anoj Vishavakarma alleged that the sale was fraudulently made by impersonation of the real owner and complaints were made in this respect. The complainant approached the police authorities for

making a complaint against these applicants and then he met with main accused – Abhay Singh, who represented himself as a Police Officer of CID Branch, he gave assurance that he can settle the matter in favour of the complainant and received Rs.2,00,000/- by inducement. Later on, the complainant came to know that Abhay Singh has committed fraud. Hence, the FIR was lodged.

6. Considered the material present in the case-diary. The inducement has been given by the main accused and the amount has also been received by him, in which these applicants have been benefited in any manner is a question which shall be answered by the prosecution side during trial. For the present, I am of the considered view that the present is a fit case where the applicants in both the cases should be benefited with grant of regular bail.

7. It is directed that the applicants in both the cases shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- in respect of each crime with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge