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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4133 of 2018**

Hemant Kumar Netam S/o Lakhan Lal Netam Aged About 30 Years R/o Village - Kotarwahi, Police Station Magarload, District Dhamtari Chhattisgarh., District : Dhamtari, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Chowki Birejhar, P.S. Kurud, District Dhamtari Chhattisgarh., District : Dhamtari, Chhattisgarh.

---- Respondent**And****M.Cr.C. No. 4135 Of 2018**

1. Jagesjwar Markam S/o Dalsingh Markam, Aged About 55 Years R/o Village - Jhuratarai, Police Station Magarload, District Dhamtari Chhattisgarh., District : Dhamtari, Chhattisgarh
2. Bhagwan Singh Sinha, S/o Late Shri Latturam Sinha, Aged About 53 Years R/o Village Chhalkani, Police Station Magarload, District Dhamtari Chhattisgarh., District : Dhamtari, Chhattisgarh

---- Applicants**Vs**

State Of Chhattisgarh Through Station House Officer, Police Chowki Birejhar, P.S. Kurud, District Dhamtari Chhattisgarh., District : Dhamtari, Chhattisgarh.

---- Respondent

For the Applicants : Shri R.S. Patel, Advocate.
For the Respondent/State : Shri Anupam Dubey, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****10.07.2018**

1. Both these applications are being decided by this 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.46 of 2018, registered at Outpost Birejhar, Police Station Kurud, District – Dhamtari, Chhattisgarh for the offence punishable under Sections 420, 466, 467, 468, 471, 472 and 120B/34 of the Indian Penal Code.

2. Learned counsel for the applicants submits that the applicants are in jail since 5.2.2018 and they have been falsely implicated in this case. After completion of investigation, the charge-sheet has been filed. The case is triable by the Judicial Magistrate First Class. No case is made out against the applicants on the basis of the material placed before the Court by the prosecution. 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 the applicants are involved in the organized crime of obtaining loan from bank through forged property papers. Hence, for these reasons, the applicants in both the cases are not entitled for grant of bail.

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

5. The case against the applicants is that applicants – Hemant Kumar Netam and Jagesjwar Markam were in financial need. Applicant – Bhagwan Singh Sinha in M.Cr.C. No. 4135 of 2018 advised and helped them to obtain forged papers of agricultural lands and the same was produced in the bank for getting the loan sanctioned in favour of applicants - Hemant Kumar Netam and Jagesjwar Markam. Hence, this case.

6. Considered the material present in the case-diary. Similarly placed co-accused persons, namely, Santram Sahu and Bhagirathi Sahu have been granted bail by this Court in M.Cr.C. No. 3846 of 2018, vide order dated 26.06.2018 and the applicants have no criminal antecedents. Hence, for these reasons, I am of this view that the applicants should be granted regular bail during the pendency of the trial.

7. Accordingly, both the bail applications filed under Section 439 of the Cr.P.C. are allowed.

8. 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