

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4109 of 2018

- Poshaki @ Santosh Dhritlahre S/o Maniram Aged About 42 Years R/o Lalsekampa, Out Post Chilphi, Police Station And Tahsil Lormi, District Mungeli, Chhattisgarh.

---- Applicant

In Jail

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Takhatpur, District- Bilaspur, Chhattisgarh.

---- Respondent

MCRC No. 4550 of 2018

- Chhotelal Koshley S/o Firturam Koshley Aged About 45 Years R/o- Vicharpurkapa, Police Station Takhatpur, District- Bilaspur, Chhattisgarh.

---- Applicant

In Jail

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station Takhatpur, District- Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Dharmesh Shrivastava, Advocate
(in MCrc No. 4109/18)		
For Applicant	:	Shri SS Baghel, Advocate.
(in MCrc No.4550/18)		
For Respondent/State	:	Shri Rahul Tamaskar, P.L.

Hon'ble Shri Pritinker Diwaker, J

Order On Board

02/07/2018

As these two applications filed by the applicants under Section 439 of CrPC for grant of bail arise out of same Crime No.95/2018 registered at Police Station – Takhatpur, Distt. Bilaspur for the offence punishable under Section 420/34 of IPC, they are being disposed of by this common order. Applicant Poshaki is in jail since 14.3.2018 whereas applicant Chhotelal is in jail since 13.3.2018.

02. As per prosecution case, the applicant Poshaki @ Santosh gave 5.9 gm of gold to applicant Chhotelal who in turn sold the same to complainant Mohd. Naushad for Rs.7.50 lacs. Next day when Mohd. Naushad came to know that he has been cheated by selling him fake gold and demanded his money, applicant Chhotelal returned Rs.3.40 lacs to him but refused to return rest of the amount and therefore, a report was lodged against the applicants.

03. Counsel for the applicants submit that the applicants are in jail since 13/14.3.2018, the offence is triable by Magistrate First Class, charge sheet has already been filed and there is every likelihood that conclusion of the trial may take some time.

04. On the other hand, State counsel opposes the bail applications.

05. Heard counsel for the parties and perused the material available on record.

06. Considering the facts and circumstances of the case, the nature of allegation against the applicants and their detention period, without

further commenting on merits of the case, I am inclined to release the applicants on bail. Accordingly, the applications are allowed. The applicants are directed to be released on bail on each of them furnishing a personal bond of Rs. 2 lacs with one surety for the like sum to the satisfaction of the concerned trial Court for their appearance before it as and when directed.

Sd/

(Pritinker Diwaker)

Judge

Khan