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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5606 of 2018

1. Rajendra Sen S/o Shri Harprasad Sen, Aged About 35 Years, R/o- Flat No. 130, Vinayak Parisar, Gulmohar Colony, Police Station Shahpur, Bhopal, Satyam Colony, Mandla (M.P.), District : Mandla, Madhya Pradesh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Telibandha, Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Non-applicant

MCRC No. 5727 of 2018

1. Mukesh Shrivastava S/o Shri Narmada Shrivastava, Aged About 40 Years, R/o- Vineka, Jawahar Ward P.S. Mandla, District- Mandla (M.P.), District : Mandla, Madhya Pradesh
2. Sankatmochan Chandola S/o Late Shri Teklal Chandola, Aged About 40 Years, R/o- Vineka, Jawahar Ward P.S. Mandla, District- Mandla (M.P.), District : Mandla, Madhya Pradesh

---- Applicants

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Telibandha, Civil And Revenue District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Non-applicant

MCRC No. 5994 of 2018

1. Divyakant Vishwakarma S/o Shri R.J. Vishwakarma, Aged About 32 Years, R/o House No. 763, Aamanpur, Madan Mahal Jabalpur, District Jabalpur Madhya Pradesh, District : Jabalpur, Madhya Pradesh

---- Applicant

Versus

- State Of Chhattisgarh, Through Police Station Telibandha, Raipur, District Raipur, Chhattisgarh, District : Raipur, Chhattisgarh

---- Non-applicant

For Applicant(s) – Smt. Fouzia Mirza, Advocate (in MCRC No.5606 of 2018),
Shri Vimlesh Bajpai, Advocate (in MCRC No.5727 of 2018),
Shri Varunendra Mishra, Advocate (in MCRC No.5994 of 2018).

For Non-applicant/State – Shri Anupam Dubey, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

30-08-2018

1. As these three applications arise out of the same crime number, i.e., Crime No.195/2018 registered at P.S. Telibandha, Raipur, District Mahasamund, Chhattisgarh, for the offence under Section 420, 120B, 419, 467, 468, 471, 472, 474, 34 of the IPC, they are being decided by this common order.
2. These are first bail applications filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail. They have been arrested on 31-03-2018 in connection with aforesaid crime number and offence.
3. On behalf of applicant Rajendra Sen (applicant in MCRC No.5606 of 2018) it is submitted that he has been falsely implicated in this case. The fact behind the case are these, that the applicant was working as agent for Direct D2H services and the complainant wanted to open a news channel of his own for which the services was required and on request made by the complainant this applicant deposited a total sum of Rs.21,56,250/- in the account of time today Media on different dates, for which, commission was received by complainant Rajeev Kumar Sharma of Rs.50,000/-. The complainant was supposed to return back the money, but, he has lodged the false FIR against the applicant to relieve himself of the liability towards the applicant in illegal manner. Hence, it is prayed that applicant Rajendra Sen may be granted regular bail.
4. Learned counsel for applicants Mukesh Shrivastava, Sankatmochan Chandola (applicants in MCRC No.5727 of 2018) and applicant Divyakant Vishwakarma (applicant in MCRC No.5994 of 2018) submit that these applicants are not in any manner directly connected with the offence committed in this case. One of the co-accused, Amit Soni has been granted bail by this Court in MCRC No.5314 of 2018 vide order dated 17-08-2018 and these applicants have similar case. Hence, it is prayed that they may be enlarged on

bail.

5. Learned counsel for the State/non-applicant opposes the applications submitting that looking to the evidence present against all these applicants in this case, no case is made out for grant of bail.

6. Heard learned counsel for the parties and perused the case diary.

7. It is alleged that these applicants have introduced co-accused Amit Soni as Chief Conservator of Forest (CCF) to complainant Rajeev Kumar Sharma and an inducement was given to the complainant by all of them that they will facilitate in getting contract for supply plant saplings to the complainant, for which applicant Rajendra Sen (applicant in MCRC No.5606 of 2018) received Rs.14,00,000/- from the complainant as illegal gratification. Later on, when the complainant came to know about the offence committed he has lodged the FIR.

8. The grounds raised by applicant Rajendra Sen (applicant in MCRC No.5606 of 2018) are needed to be proved before the trial Court as grounds in defence. On considering the material present in the case diary and looking to the evidence that is present against applicant Rajendra Sen about giving inducement and receiving the money, I do not feel inclined to grant regular bail to him.

9. Accordingly, the application (MCRC No.5606 of 2018) filed by applicant Rajendra Sen for grant of regular bail is rejected.

10. So far applicants Mukesh Shrivastava and Sankatmochan Chandola (applicants in MCRC No. 5727 of 2018) and Divyakant Vishwakarma (applicant in MCRC No. 5994 of 2018) are concerned, it appears that their case is similar to the case of co-accused Amit Soni who has been granted bail by the order of this Court. Hence, I feel inclined to grant regular bail to these applicants.

11. Consequently, MCRC No. 5727 of 2018 and MCRC No. 5994 of 2018 filed by applicants Mukesh Shrivastava, Sankatmochan Chandola and Divyakant Vishwakarma for grant of regular bail under Section 439 of the Cr.P.C. are allowed. It is directed that these applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.

12. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge