

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 6346 of 2018

- Suraj Kumar Vishwakarma S/o Shri Kanhaiyalal Vishwakarma Aged About 28 Years R/o- Village- Bonda, Police Station- Saraipali, Civil And Revenue District- Mahasamund, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through- Police Station- Balod, District- Balod, Chhattisgarh.

---- Respondent

AND

MCRC No. 6539 of 2018

- Pushkar Lal Sahu S/o Shri Punit Ram Sahu Aged About 28 Years R/o- Nipani, Post Niwani, P.S. Tahsil And District- Balod, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through- Police Station Balod, District- Balod, Chhattisgarh.

---- Respondent

For Applicant (in MCRC 6346/2018) : Mr. Adil Minhaj, Advocate
For Applicant (in MCRC 6539/2018) : Mr. Prasoon Agrawal, Advocate
For Respondent/State : Mr. Sangharsh Pandey, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order on Board

10/10/2018

1. Since both the cases arise out of same crime number, therefore, they are being disposed of by this common order.
2. The applicants have preferred these bail applications under Section

439 of the Cr.P.C for grant of regular bail as they are arrested in connection with Crime No. 99/2018 registered at Police Station- Balod, Distt. Balod (C.G.) for the offence punishable under Sections 420, 467, 468, 471 & 120-B of the IPC.

3. As per prosecution story, on 25-03-2018, a written complaint was lodged by the complainant Jalam Singh Sahu wherein it has been alleged that in the month of November 2015 both the applicants in both the MCRC met with the complainant and tempted him to get his daughter on job, thereafter complainant sold his land and pay Rs. 3,00,000/- to the applicants for getting the job to his daughter. Thereafter, her daughter gave them Rs. 1,00,000/- for the said purpose, they gave her forged photo-copy of the joining letter of Mekahara Hospital and told her to join there when they give instructions to her. It was further alleged that they again obtained 50,000-50,000/- from the daughter of complainant, thereafter, in the month of July 2016 daughter of the complainant taken to the hospital by the applicants and introduced her to co-accused Naveen and gave instructions to her to learn work from the co-accused Naveen. After sitting for three days in the said hospital, she was not allowed to come. Later on she came to know the fact that she had been cheated by the present applicants. Applicants not gave her any job nor they returned her money. On the basis of said complainant, offence has been registered against the applicants. Applicant Suraj Kumar Vishwakarma is in custody since 27.03.2018 and applicant Pushkar Lal Sahu is in custody since 07.04.2018.
4. Learned Counsel for the applicants submit that both the applicants are

innocent and have been falsely implicated in the present case. They further submit that the incident is of the year 2015 and the FIR has been lodged after 2.5 years and there is no proper explanation submitted by the prosecution for delay in FIR. There is nothing on record on the basis of which any offence can be made against both of them. They further submit that initially one crime No. 95/2018 for the alleged offence 379, 467, 468 & 471 has been registered against both the applicants, later on, on 25.03.2018 itself police has registered present crime no. i.e. 99/2018. Crime no. 97/2018, 98/2018 & 100/2018, apart from the present case number they have granted benefit of bail by the Court below in the above mentioned crime numbers. They further submit that applicant Suraj Kumar Vishwakarma is in jail since 27.03.2018 and applicant Pushkar Lal Sahu is in jail since 07.04.2018 and trial will take some time. Therefore, they may be released on bail.

5. Per contra, learned counsel appearing on behalf of the State opposes the bail applications.
6. I have heard learned counsel for both the parties.
7. Considering the above facts and circumstances of the case, evidence collected by the prosecution. Particularly considering the fact that the FIR delayed by 2.5 years, applicant Suraj Kumar Vishwakarma is in jail since 27.03.2018 and applicant Pushkar Lal Sahu is in jail since 07.04.2018 and trial will likely to take some time to conclude, without further commenting on merits of the case, I am inclined to release the applicants on bail.

8. Accordingly, the bail applications are allowed.
9. It is directed that the applicants shall be released on bail on each of them executing a personal bond for a sum of Rs. 20,000/- with one local solvent surety in the like sum to the satisfaction of the trial Court for their appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge