

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7678 of 2018**

- Bighan Ram S/o Gamak Sai, aged about 60 Years R/o Village Dabaripani, Khorpani, Police Station Kansabel, District - Jashpur, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through Station House Officer, Police Station Ambikapur, District - Surguja, Chhattisgarh.

---- Respondent**MCRC No. 8518 of 2018**

- Samosit S/o Makduram, aged about 47 Years R/o Village Bagiya, Police Station Kansabel, District Jashpur, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through The Station House Officer, Police Station Ambikapur, District Surguja, Chhattisgarh.

---- Respondent

For Applicant (In MCRC No. 7678/2018)	: Shri Sandeep Dubey, Advocate.
For Applicant (In MCRC No. 8518/2018)	: Shri Ajay Ku. Pandey, Advocate.
For Respondent/State	: Shri R.K. Jaiswal, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**14/11/2018**

1. Heard.
2. Since both the cases arise out of same Crime No., therefore, they are being disposed of by this common order.
3. The Applicants have preferred their first bail applications under Section 439 of Cr.P.C. for grant of regular bail as they are arrested in connection with crime No. 576/2017, registered at Police Station –

Ambikapur, District- Surguja, (C.G.) for the offence punishable under Sections 420, 506 & 120-B of IPC.

4. As per the prosecution story, on 09.10.2017, one Khinaram lodged a report against one Vinod @ Akhilesh (co-accused) and two other unknown persons wherein it has been alleged that the said co-accused Vinod @ Akhilesh and two other persons sold some fake gold biscuit to him and obtained Rs. 3 Lacs from him. On the basis of the said report, offence has been registered against the Applicants. They have been taken into custody since 28.05.2018 (in MCRC No. 7678/2018) and 27.05.2018 (in MCRC No. 8518/2018).
5. Learned Counsels appearing on behalf of the Applicants submit that the Applicants are innocent and have been falsely implicated in the case. They further submit that co-accused namely Vinod Kumar has already been granted bail by this Court vide order dated 28.09.2018 passed in MCRC No. 6291/2018. They also submit that there is nothing on record on the basis of which any offence can be made against the present Applicants. No test identification parade has been conducted by the prosecution therefore no case is made out against both of the Applicants. They further submit that the Applicants have no criminal antecedent, they are in custody since 28.05.2018 (in MCRC No. 7678/2018) and 27.05.2018 (in MCRC No. 8518/2018) and trial will take some time. Therefore, they may be released on bail.
6. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
7. I have heard learned Counsel for the parties and perused the case diary.
8. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that co-accused Vinod has already been granted bail, charge-sheet has been filed, the Applicants have no criminal antecedent, they are in custody since 28.05.2018 (in MCRC No. 7678/2018) and 27.05.2018 (in

MCRC No. 8518/2018) and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release them on bail.

9. Accordingly, the bail application is allowed.

10. It is directed that the Applicants shall be released on bail on each of them executing personal bond for a sum of Rs. 20,000/- with one solvent surety for the like amount to the satisfaction of the Trial Court for their appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge