

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7758 of 2017

- Revati Das S/o Laxman Das, Aged About 30 Years R/o Village Karumahua, P. S. Kharsiya, District Raigarh, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station-Kotra Road, District Raigarh, Chhattisgarh.

---- Respondent

MCRC No. 7774 of 2017

- Rajkumar Mahant @ Raju S/o Shri Seemadas Mahant, aged about 45 years, R/o Village-Turribhata, Purani Basti, Kharsia, Tahsil and P/s. Kharsia, District-Raigarh, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh, Through-Police Station Kotra road, District-Raigarh, Chhattisgarh.

---- Respondent

For Applicants	:	Mr. Wasim Miyan and Mr. Abhishek Saraf, Advocates.
For Respondent	:	Mr. Anupam Dubey, Dy. Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

20/02/2018

1. Since both the above bail applications arise out of the same crime number, they are being disposed of by this common order.
2. Both these applications are first bail applications of the applicants under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to them as they have been arrested in connection with

Crime No.22/2017 registered at Police Station – Kotra Road, District – Raigarh (C.G.) for the offence punishable under Sections 420, 109, 120B/34 of Indian Penal Code (for short 'IPC').

3. Learned counsel for the applicants submits that applicants are innocent and have been falsely implicated in this case. Applicants in both the applications are in jail since 5.2.2017. As co-accused persons in this case have already been granted bail by this Court and applicants herein also stand on the same footing, they are also entitled to be released on regular bail.
4. Learned counsel for the respondent/State opposes the applications and submissions made in this respect. It is submitted that although there is no previous criminal history of these applicants, but looking to the memorandum statements of these applicants and co-accused persons, it appears that they are constantly engaged in committing the offence of cheating & fraud with various innocent villagers, hence, for this reason, applicants are not entitled for grant of regular bail.
5. Heard both the parties and perused the case diary.
6. Complainant Laxminarayan Choudhary lodged FIR stating that because of loss in the business he approached co-accused Dashrath for arranging a tantrik pooja for him. On this, co-accused Dashrath introduced applicant Revati Das (MCRC No.7758 of 2017) to him and thereafter co-accused Ramnivas & Rajkumar along with these applicants arranged the Pooja. They asked the complainant to keep cash Rs.3 lakh for pooja material. Thereafter by practicing fraud, these applicants and co-accused persons have removed the cash amount and fled from the spot and thereby cheated the complainant.
7. Considering the fact that the applicants are in jail since 5.2.2017, the

trial of this case is likely to take some time for its disposal, the case is triable by the Magistrate 1st Class, co-accused have already been granted regular bail and further considering that applicants are local residents of District-Raigarh and there is no likelihood of their fleeing away from justice, I am of this view, that this is a fit case where applicants should be released on regular bail.

8. Accordingly, both the bail applications filed under Section 439 of Cr.P.C. are allowed. It is directed that both the applicants shall be released on bail on their furnishing a personal bond for a sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the trial Court concerned, for their appearance before the Court below concerned as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)

Judge