

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No.8031 of 2018**

1. Pradeep Kumar Jaiswal, son of Kunte Prasad Jaiswal, aged about 28 years.
 2. Dilip Kumar Jaiswal, son of Kunte Prasad Jaiswal, aged about 25 years.
 3. Kunte Prasad Jaiswal, son of Ghuthur Ram, aged about 72 years.
 4. Ramkishun Yadav, son of Mathura Prasad Yadav, aged about 23 years.
- All are resident of village Kogvar, Thana Raghunathnagar, Tahsil Wadraf Nagar, District Balrampur Ramanujganj(CG).

---- Applicants**Versus**

State of Chhattisgarh, through Police Station Raghunathnagar, Balrampur Ramanujganj (CG).

---- Non-applicant

For Applicants : Mr. Akath Kumar Yadav, Advocate.
 For Non-applicant : Mr. Satish Gupta, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

27.11.2018

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicants before this Court and no bail application is pending before any other Court.
2. The applicants have been arrested in connection with Crime No.56/2018 registered in Police Station Raghunathnagar, District Balrampur Ramanujganj for the offence punishable under Section 420 read with 34 of IPC.
3. Prosecution story in brief is that on 19.01.2018 the applicants sold brass whetstone by saying that it is a gold whetstone to the complainant Rajesh Kumar Jaiswal a sum of Rs.1,30,000/-. Later on, the said complainant knew that the said whetstone is not of gold, but it is of brass.
4. Counsel for the applicants submitted that the applicants are innocent and have been falsely implicated in the present case hence they may be released on bail.
5. Counsel for the State opposed the prayer for grant of bail. He further submitted that three criminal cases, out of which, two cases under of IPC and one case under of Excise Act have already been registered against the Applicant No.1-Pradeep Kumar Jaiswal and no criminal antecedent reported against Applicant No.2-Dilip Kumar Jaiswal, Applicant No.3-Kunte Prasad Jaiswal and Applicant No.4-Ramkishun Yadav in police case diary.
6. Offence is triable by JMFC.
7. Looking to these facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence;

and the trial is likely to take some more time for its final disposal, this Court is inclined to give benefits of Section 439 of the CrPC to the applicants. Accordingly, the bail application is allowed.

8. It is directed that if the Applicant No.1-Pradeep Kumar Jaiswal furnishes two solvent sureties for a sum of Rs.25,000/- each along with a personal bond in the sum of Rs.50,000/- to the satisfaction of the concerned Trial Court with the condition that he shall appear before the Trial Court at 11:00 am as and when directed till trial and he would co-operate during the trial, he shall be released on bail and he will not commit any such type of offence in future.

9. It is directed that if the Applicant No.2-Dilip Kumar Jaiswal, Applicant No.3-Kunte Prasad Jaiswal and Applicant No.4-Ramkishun Yadav furnish one solvent surety for a sum of Rs.25,000/- each along with a personal bond in the like sum to the satisfaction of the concerned Trial Court with the condition that they shall appear before the Trial Court at 11:00 am as and when directed till trial and they would co-operate during the trial, they shall be released on bail.

10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-