

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 126 of 2019**

- Abhay Singh S/o Prem Singh Aged About 40 Years R/o Jail Colony Government Quarter Babupara Ambikapur Police Station and Tahsil Ambikapur, District Surguja, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Police Station Arakshi Kendra Shankargarh, District Balrampur – Ramanujganj, Chhattisgarh.

---- Respondent

AND**MCRC No. 407 of 2019**

- Vasim Bari S/o Safiullah Aged About 50 Years R/o Nagar Ramanujganj, Police Station, Ramanujganj District Balrampur- Ramanujganj, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Shankargarh, District Balrampur- Ramanujganj, Chhattisgarh.

---- Respondent

For Applicant (In MCRC No. 126/2019)	: Shri Rajat Agrawal with Shri Kishore Bhaduri, Advocates.
For Applicant (In MCRC No. 407/2019)	: Shri S.S. Baghel, Advocate.
For Respondent/State	: Shri K.K. Dewangan, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

06/03/2019

1. Heard.
2. Since both 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. 82/2018, registered at Police Station – Shankargarh, District – Balrampur-Ramanujganj, (C.G.) for the offence punishable under Sections 468, 193, 389, 419, 469, 471, 500, 506, 120-B and 34 of the Indian Penal Code.

4. As per the prosecution story, one Complainant Rashid Khan lodged a report in the police station against the present Applicants and other co-accused persons alleging therein that by morphing his photo the same has been published in the newspaper and in the said newspaper, the Complainant has been shown as miscreant of wood, mines, etc and in this way, his image in the public at large has been tarnished. On the basis of the said report, offence has been registered and the Applicant (in MCRC No. 126/2019) and Applicant (in MCRC No. 407/2019) were arrested on 08.08.2018 and 17.08.2018 respectively.
5. Learned Counsel appearing on behalf of the Applicants submits that the Applicants are innocent and have been falsely implicated in the case due to some previous enmity. They further submit that there is no any evidence available on record on the basis of which any offence can be made out against the present Applicants. They also submit that on the same fact of evidence, co-accused namely Rampratap Singh has already been granted bail passed by this Court vide order dated 31.10.2018 in MCRC No. 7356/2018. Charge-sheet has been filed, Applicant (in MCRC No. 126/2019) and Applicant (in MCRC No. 407/2019) were arrested on 08.08.2018 and 17.08.2018 and trial is likely to 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 Applicant (in MCRC No. 126/2019) and Applicant (in MCRC No. 407/2019) are in custody since 08.08.2018 and 17.08.2018, co-accused has already been granted bail on the same fact of evidence 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 concerned Trial Court for their appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge