

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9637 of 2018

- Ashutosh Agrawal S/o Ashok Agrawal Aged About 38 Years R/o New Shanti Nagar, Raipur, District Raipur, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through The Station House Officer, Special Investigation Cell Of Police Station Civil Lines, Raipur, District Raipur, Chhattisgarh.

---- Respondent

MCRC No. 24 of 2019

- Ritesh Manikpuri S/o Shri Gopal Das Manikpuri Aged About 35 Years R/o Shyam Nagar Nearby Maharana Pratap Udyan, Shyam Nagar, Police Station Telibandha, Raipur, District Raipur, Chhattisgarh. Permanent Address - Nehru Nagar Behind Wain Shop, Police Station Kotwali, Raipur, District Raipur, Chhattisgarh.

---- Applicant

Versus

- The State of Chhattisgarh Through Police Station Civil Lines, Raipur, District Raipur, Chhattisgarh.

---- Respondent

AND

MCRC No. 499 of 2019

- Ajay Kumar Agrawal S/o Late Govind Prasad Agrawal Aged About 31 Years R/o House No,5 Sale Tax Colony, Shankar Nagar, Police Station Civil Line, Raipur, District Raipur, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer Special Investigation Cell of Police Station Civil Lines Raipur, District Raipur, Chhattisgarh.

---- Respondent

For Applicant (In MCRC No. 9637/2018)	: Shri Malay Shrivastava, Advocate.
For Applicant (In MCRC No. 24/2019)	: Shri Malay Kr. Bhaduri, Advocate.
For Applicant (in MCRC No. 499/2019)	: Shri Manoj Paranjpe, Advocate.
For Respondent/State	: Shri K.K. Dewangan, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

22/01/2019

1. Heard.
2. Since all 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. 620/2018, registered at Police Station – Special Investigation Cell of Police Station – Civil Lines, Raipur, District- Raipur, (C.G.) for the offence punishable under Section 467, 468, 471, 120 (B) of the Indian Penal Code.
4. As per the prosecution story, pursuance to tender issued by Municipal Council, Dongargarh for construction of drainage work order was issued on 02.09.2013 to the partnership firm i.e. M/s Santosh Agrawal. Applicant Ashutosh Agrawal (in MCRC No. 9637/2018) is the sole working partner of M/s Santosh Agrawal. For executing the said work, Applicant Ashutosh Agrawal entered into an agreement with M/s M.L. Enterprises on 03.10.2013. The said agreement was signed by Ashutosh Agrawal on behalf of M/s Santosh Agrawal and Mr. Ajay Agrawal (in MCRC No. 499/2019) on behalf of M/s M.L. Enterprises. Thereafter, an FIR was registered in Police Station Civil Lines, Raipur against the present Applicants and some other co-accused persons on the ground that royalty slip submitted for the metal which was used in the execution of work order dated 02.09.2013 was forged and by producing the forged royalty slip, a financial loss to the tune of Rs. 16,92,800/- has been caused to the State. On the basis of the above,

offence has been registered against the Applicants and other co-accused persons. It is further alleged that for the execution of work of said Municipal Corporation, grit (*gitti*) was supplied by the co-accused Suresh @ Bunty. Royalty slip was given by the said co-accused Suresh @ Bunty. It is further alleged that Suresh obtained the said royalty slip from the Applicant Ritesh Manikpuri (in MCRC No. 24/2019) and Ritesh obtained the said royalty slip from other co-accused Sandeep Jain. On being examined, co-accused Sandeep Jain disclosed the fact that he obtained the said royalty slip from another co-accused namely Rajendra Gilhare, who is a dealing clerk of Mining Branch, Raipur. On the basis of the said background, all the above Applicants were arrested on 22.11.2018.

5. Learned Counsel appearing on behalf of the Applicants submits that the Applicants are innocent and have been falsely implicated in the case. They further submit that, from the evidence collected from the prosecution, *prima facie*, no any offence is made out against the Applicants namely Ashutosh Agrawal, Ajay Kumar Agrawal and Ritesh Manikpuri. They also states that Applicants are in custody since 22.11.2018 and trial will take time. Offence is triable by Judicial Magistrate First Class. 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 the Applicants are in custody since 22.11.2018 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 furnishing a 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