

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 623 of 2019

- Manharan Chandra S/o Late Shri Shiv Prasad Chandra Aged About 44 Years R/o Village Jaijaipur, Police Station Jaijaipur, District Janjgir Champa Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Office, Police Station Civil Line, Raipur District Raipur Chhattisgarh.

---- Respondent

AND

MCRC No. 1883 of 2019

- Jagdish Suman S/o Mahesh Ram Suman Aged About 32 Years R/o Village - Singhra, Police Station - Malkharauda, District Janjgir Champa Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Civil Lines, Raipur, District Raipur Chhattisgarh.

---- Respondent

AND

MCRC No. 9694 of 2018

- Kailash Khute S/o Shankarlal Khute Aged About 27 Years R/o Village Nawapara Khurd, P. S. Sakti, District Janjgir Champa Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Civil Line, Civil And Revenue District Raipur Chhattisgarh

---- Respondent

For Applicant (in MCRC NO.623/2019)	: Mr. Vivek Singhal, Advocate.
For Applicant (in MCRC NO.1883/2019)	: Mr. Hemant Kesharwani, Advocate.
For Applicant (in MCRC NO.9694/2018)	: Mr. KK Patel, Advocate.
For Respondent/State	: Mr. Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

02/04/2019

1. Since, all the above cases arise out of same crime number, therefore, they are being disposed of by this common order.
2. The Applicant in MCRC No. 623/2019 has preferred this second bail application and the Applicants in MCRC No. 1883/2019 & MCRC No. 9694/2018 have preferred these first bail applications under Section 439 of Cr.P.C. for grant of regular bail, as they are arrested in connection with crime No. 661/2018, registered at Police Station Civil Lines, District- Raipur(C.G.) for the offence punishable under Sections 419, 420, 467, 468 & 34 of the IPC.
3. First bail for Applicant Manhara Chandra (in MCRC No. 623/2019) was dismissed as withdrawn with liberty to file a fresh after filing of the charge-sheet vide order dated 06.12.2018 passed in MCRC No. 9002/2018.
4. As per prosecution story, allegations against the Applicants is that they have falsely represented themselves as a clerk in Secretariat and on the basis of forged documents taken commission from Sarpanch of different village Panchayat for construction of CC road and canal and other construction of their areas. It is further alleged that they have also prepared forged work orders and sent to the concerned Sarpanch through whatsapp and on the basis of said forged orders they have obtained commission from them. On the basis of said background, offence has been registered. The Applicants are in custody since 17.10.2018 & 18.10.2018.

5. Learned Counsel appearing on behalf of the Applicants submit that the Applicants are innocent and have been falsely implicated in the case. They further submit that there is no evidence available on record against the Applicants on the basis of which prima facie any offence can be made out against them. They are in custody since 17.10.2018 & 18.10.2018, charge-sheet has already been filed and trial is likely to take some time. Therefore, the Applicants may be released on bail.
6. Per contra, learned Counsel appearing on behalf of the State opposes the bail applications.
7. I have heard learned Counsel for the parties and perused the case diary with due care.
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 17.10.2018 & 18.10.2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release the Applicants on bail.
9. Accordingly, the bail applications are allowed.
10. It is directed that the Applicants shall be released on bail on each of them executing a 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