

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 793 of 2019

1. Manoj Kumar S/o Late Devakram Sahu Aged About 30 Years R/o Village Datan(P), P. S. and Tahsil Palari, District Balodabazar-Bhatapara Chhattisgarh Presently R/o Ward No. 10, Gandhi Nagar, Birgaon, P. S. Urla, District Raipur Chhattisgarh
2. Goverdhan Sahu S/o Late Devakram Sahu Aged About 28 Years R/o Village Datan (P), P. S. and Tahsil Palari, District Balodabazar-Bhatapara Chhattisgarh Presently R/o Dondekhurd, Rawan Chowk, P. S. Vidhansabha, District Raipur Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through The Police Station Palari, District Baloda Bazar-Bhatapara Chhattisgarh

---- Respondent

For Applicants	: Shri Amiyakant Tiwari, Advocate.
For Respondent/State	: Shri Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

29/04/2019

1. The applicants have preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as they are arrested in connection with crime No. 438/2018, registered at Police Station – Palari, District- Balodabazar-Bhatapara (C.G.) for the offence punishable under Section 420/34 of the IPC.
2. In this case, complainant Sevakram is the uncle of the applicants. He himself lodged a written report before police station stating therein that the applicants are the owner of land bearing Khasra No. 264/6 and 264/1 total admeasuring area 0.090 hectares. It is alleged that the applicants have taken loan from the complainant amounting to Rs. 1,94,000/- and executed an agreement that if the loan amount is not paid till 12.08.2016 then the loaner can get the land in question

registered in his name. Allegedly, the applicants again mortgaged the said land to one Chandrabhushan and one Ashraf and also obtained money from them. On the basis of said report which was made by complainant Sevakram, offence has been registered. The applicants are in custody since 09.12.2018.

3. 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 dispute with the complainant. He further submits that the applicants are in custody since 09.12.2018, charge-sheet has already been filed and trial is likely to take some time. Therefore, they may be released on bail.
4. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary with due care.
6. 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 09.12.2018, charge-sheet has already been filed 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.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicants shall be released on bail on each of them executing a personal bond for a sum of Rs. 25,000/- with one local 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