

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 1026 of 2019

- Suraj Sahu S/o Human Lal Sahu Aged About 28 Years R/o Village Block No. 188/a, Ruabandha Sector, Bhilai P.S. Bhilai Nagar, Tahsil And Distirct- Durg, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through District- Magistrate, District- Durg, Chhattisgarh.

---- Respondent

AND

MCRC No. 1113 of 2019

- Bhuneshwar Prasad Sahu S/o Tulshi Ram Sahu Aged About 37 Years R/o Village Patoura, Police Station Utai, District - Durg Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Anda, District - Durg Chhattisgarh.

---- Respondent

AND

MCRC No. 1086 of 2019

- Rakesh Vaishnav S/o Krishna Das Vaishnav Aged About 43 Years R/o Ward No. 07, Hathkhoj Para, Utai, P. S. Utai, Tahsil And District Durg Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate, District Durg Chhattisgarh

---- Respondent

AND

MCRC No. 950 of 2019

- Sanju Sahu S/o Prabhulal Sahu Aged About 34 Years R/o Village Dundera, Police Station Utai, District Durg Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate, Durg District Durg Chhattisgarh.

---- Respondent

For Applicant (In MCRC No. 1026/2019): Shri Mateen Siddiqui, Advocate.
For Applicant (In MCRC No. 1113/2019): Shri Avinash Chand Sahu, Advocate.
For Applicant (In MCRC No. 1086/2019): Shri Mateen Siddiqui, Advocate.
For Applicant (In MCRC No. 950/2019) : Shri BP Singh, Advocate.
For Respondent/State : Shri KK Dewangan, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

08/03/2019

1. Since, both the cases arise out of same crime number, therefore, they are being disposed of by this common order.
2. The applicants 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. 73/2018, registered at Police Station: Anda, District- Durg (C.G.) for the offence punishable under Sections 306, 120 B, 420, 467, 468, 471 & 34 of the IPC.
3. In this case there are total 12 accused persons. Deceased Sanju Banjare committed suicide on 30.07.2018. As per the prosecution story, the deceased owned some land at village Pauvara. Allegedly, all the applicants along with other co-accused persons namely Nirbhay Jain, Harvinder, Vimal, Anjor Singh, Ram Kumar Rai and G. Shrinu made a criminal conspiracy and on 14.11.2017, firstly land of the deceased has been purchased by G. Shrinu in Rs. 17,000,00/- and the amount of consideration was kept by co-accused Nirbhay Jain. It

has been further alleged that thereafter all the accused-persons forced the deceased to prepare forged document of his land and that land was again sold to one Rajesh and Anita Tiwari. Allegedly, Nirbhay Jain is involved in the business of moneylender and he, for getting his money back from the deceased, fraudulently sale the above land through the deceased to the above mentioned persons with the help of present applicants along with other co-accused persons. Due to this, deceased committed suicide. On the basis of said, offence has been registered and the applicants are taken in custody.

4. Learned counsel appearing on behalf of the applicants submit that the applicants are innocent and have been falsely implicated in the present case. On the basis of evidence collected prosecution prima facie no offence can be made out against any of the applicants. They further submit that on the same set of evidence co-accused Ramkumar Rai and G.Shrinu granted benefit of bail by this Court vide order dated 25.01.2019 passed in MCRC No. 9995/2018 and MCRC No. 276/2019 and co-accused Nirbhay Jain granted benefit of anticipatory bail vide order dated 01.03.2019 passed in MCRC(A) No.246/2019. Applicant Suraj Sahu and Rakesh Vaishnav are in custody since 25.11.2018, applicant Bhuneshwar Prasad Sahu is in custody since 30.09.2018 and applicant Sanju Sahu is in custody since 15.12.2018, charge-sheet has already been filed and trial is likely to take some time, therefore, they may be released on bail.
5. Per contra, learned counsel appearing on behalf of State opposes the bail applications.
6. I have heard learned Counsel for both the parties.
7. Considering the fact and circumstances of the case, evidence collected by the prosecution and further considering the fact that on the same set of evidence co-accused Ramkumar Rai and G.Shrinu granted benefit of bail by this Court and co-accused Nirbhay Jain granted benefit of anticipatory bail by this Court. Applicant Suraj Sahu and Rakesh Vaishnav are in custody since 25.11.2018, applicant

Bhuneshwar Prasad Sahu is in custody since 30.09.2018 and applicant Sanju Sahu is in custody since 15.12.2018, 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.

8. Accordingly, the bail applications are allowed.
9. 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