

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1186 of 2019**

- Vishnu Choubey @ Golu S/o Praveen Kumar Choubey, Aged About 20 Years R/o Village Bariyo , Post Chowki Bariyo , Police Station and Tahsil Rajpur, District Balrampur- Ramanujganj, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Police Thana - Dhaourpur, District Surguja, Chhattisgarh.

---- Respondent

MCRC No. 1206 of 2019

- Ravindra Tiwari S/o Shri Kedarnath Tiwari, Aged About 42 Years Occupation- Clerk, R/o Ward No. 7, Gandhi Nagar, Police Station- Gandhi Nagar, Tahsil- Ambikapur, District- Surguja, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station- Dhaurpur, Civil and Revenue District- Surguja, Chhattisgarh.

---- Respondent

For Applicant (In MCRC No. 1186/2019)	: Shri Sanjay Agrawal, Advocate.
For Applicant (In MCRC No. 1206/2019)	: Ms. Madhunisha Singh, Advocate.
For Respondent/State (In MCRC No. 1186/2019)	: Shri Alok Nigam, G.A.
For Respondent/State (In MCRC No. 1206/2019)	: Shri K.K. Dewangan, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

13/05/2019

Heard.

1. Since both cases arise out of same Crime No., therefore, they are being disposed of by this common order.
2. 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. 65/2018, registered at Police Station –

Dhaurpur, District- Surajpur, (C.G.) for the offence punishable under Sections 420, 467, 468, 471, 120-B of the IPC.

3. In this case there are total 5 accused person. As per the prosecution story, Complainant Ganga Prasad lodged a report that he was running a stone crusher and 6 months prior to lodging of the report, the stone crusher had been closed. Later on, he came to know that one Ramesh Mittal alongwith his partners Ajay Agrawal and Rajesh Agrawal used forged pit pass in the name of Complainant, without paying the requisite royalty. It is alleged that present Applicant namely Ravindra Tiwari (in MCRC No. 1206/2019) was working as a clerk in the Crusher of Ramesh Mittal. Allegation against Applicant (In MCRC No. 1186/2019) Vishnu Choubey @ Golu is that, he is also involved in the crime in question. On the basis of the said, offence has been registered and Applicants have been taken into custody on 31.12.2018.
4. 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 the main accused of the case are Ramesh Mittal, Ajay Agrawal and Rajesh Agrawal. Accused Ramesh Mittal is still absconding. Charge-sheet has been filed, Applicants have been taken into custody on 31.12.2018 and trial is likely to take some time. Therefore, they may be released on bail.
5. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
6. I have heard learned Counsel for the parties and perused the case diary.
7. 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 31.12.2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release them on bail.

8. Accordingly, the bail application is allowed.

9. 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 Trial Court for their appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge