

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3599 of 2019**

- Rajesh Kumar Agrawal S/o Bhagwan Das @ B.D. Agrawal Aged About 38 Years Occupation Business, R/o Main Road Nagar Rajpur, Police Station and Tehsil Rajpur, District Balrampur Ramanujanj, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Police Station Dhaupur, District Surguja, Chhattisgarh.

---- Respondent

AND**MCRC No. 3848 of 2019**

- Ajay Kumar Agrawal S/o Shri Bhagwan Das @ B.D. Agrawal Aged About 40 Years R/o Main Road Nagar Rajpur, Thana and Tahsil-Rajpur, District-Balrampur-Ramanujanj, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Thana- Dhaupur, District- Surguja, Chhattisgarh.

---- Respondent

For Applicant (In MCRC No. 3599/2019)	: Shri Manish Nigam & Shri Vaibhav Maheshwari, Advocates.
For Applicant (In MCRC No. 3848/2019)	: Shri Sanjay Agrawal, Advocate.
For Respondent/State	: Shri H.S. Ahluwalia, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

22/07/2019

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- Surguja, (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 namely Ajay Kumar Agrawal (Applicant in MCRC No. 3848/2019) and Rajesh Kumar Agrawal (Applicant in MCRC No. 3599/2019) used forged pit pass in the name of Complainant, without paying the requisite royalty. It is alleged that co-accused namely Ravindra Tiwari was working as a clerk in the Crusher of Ramesh Mittal. Co-accused Vishnu Choubey @ Golu was also involved in the crime in question. On the basis of the said, offence has been registered and Applicant (in MCRC No. 3599/2019) and Applicant (in MCRC No. 3848/2019) have been taken into custody on 31.12.2018 & 20.05.2019 respectively.
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 co-accused persons namely Vishnu Choubey @ Golu (in MCRC No. 1186/2019) and Ravindra Tiwari (in MCRC No. 1206/2019) have already been granted bail by this Court vide order dated 13/05/2019. Present Applicant (in MCRC No. 3599/2019) and Applicant (in MCRC No. 3848/2019) are in custody since 31.12.2018 & 20.05.2019 respectively, charge-sheet has 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 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 Applicant (in MCRC No. 3599/2019) and Applicant (in MCRC No. 3848/2019) are in custody since 31.12.2018 & 20.05.2019 respectively 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 concerned trial Court for their appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge