

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4133 of 2019

1. Parmeshwar Rajput S/o Shri Raghoram Rajput Aged About 28 Years R/o Village Ghutheli Post Sildaha, Tahsil And District Bilaspur Chhattisgarh. At Present R/o Murum Khadan, Khamtra, Police Station Sarkanda District Bilaspur Chhattisgarh.
2. Jageshwar Rajput S/o Shri Raghoram Rajput Aged About 32 Years R/o Village Ghutheli Post Sildaha, Tahsil And District Bilaspur Chhattisgarh. At Present R/o Murum Khadan, Khamtra, Police Station Sarkanda District Bilaspur Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Office, Sarkanda, District Bilaspur Chhattisgarh.

---- Respondent

For Applicants : Mr. Dheerendra Pandey, Advocate.
For Respondent/State : Ms. Smriti Shrivastava, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

12/09/2019

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. 424/2019, registered at Police Station – Sarkanda, District- Bilaspur (C.G.) for the offence punishable under Section 420, 34 of the IPC.
2. As per prosecution story, complainant Girish Chand Dubey is working in CMHO office Sarkanda where the Cards of Aayushman Scheme is officially prepared. On 30.04.2019, he received information that both the applicants by using forged ID's,

without any authority preparing forged Aayushman Cards through their mobile phone and laptop with the help of Internet connection after obtaining Rs. 100-50 from various persons. On the basis of said information, the complainant reached the spot and caught both the applicants, thereafter, he lodged an FIR in Sarkanda Police Station against them. On the basis of said FIR, offence has been registered and after completion of investigation a charge-sheet under Section 420/34 of IPC has been submitted. Thereafter, on 05.09.2019, statements of some witnesses have been recorded under Section 161 of Cr.P.C. and a supplementary charge-sheet has been filed for the offence punishable under Section 467 & 468 of IPC also.

3. Learned Counsel appearing on behalf of the applicants submits that the applicants are innocent and have been falsely implicated in the present case. He further submits that initially charge-sheet has been filed under Section 420/34 only thereafter on 05.09.2019 further statements of some witnesses have been recorded under Section 161 of Cr.P.C. and on the basis said statements, a supplementary charge-sheet has been filed. He further submits that if the witnesses were available early part of investigation, then why the statements of those witnesses have not been recorded earlier, it has not been explained by the prosecution. Thus, the statements of witnesses which were recorded later on are not reliable. He lastly submits that there is nothing on record on the basis of which it can be said that the Aayushman Cards which have been seized from the applicants were found forged. The applicants are in custody since 30.04.2019 and trial is likely to some time. Therefore, the applicants 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 30.04.2019, 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 sum to the satisfaction of the Trial Court for their appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge