

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4951 of 2019

1. Shiv Kumar Markandey S/o Shri Kunwer Das Markandey, Aged About 43 Years, R/o Village Khira, P.S. Palari, District Baloda Bazar-Bhatapara Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh
2. Dageshwer Ghritlahre S/o Kishan Lal, Aged About 19 Years, R/o Village Gaboud, P.S. Palari, District Baloda Bazar-Bhatapara Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Gidhpuri, Baloda Bazar, District Baloda Bazar-Bhatapara Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh

---- Non-applicant

MCRC No. 4995 of 2019

1. Loknath Jaiswal S/o Kheduram Jaiswal, Aged About 40 Years, R/o Village Charauda, Thana Gidhpuri, District Balodabazar- Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, through the Police Station Gidhpuri, District Balodabazar Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

----Non-applicant

For Applicants – Mr. Ravindra Sharma and Ms. Supriya Upasane, Advocates.
For Non-applicant/State – Mr. N.K. Mehta, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

02-09-2019

1. As both these applications arise out of the same crime number, i.e., Crime No. 48/2019 registered at Police Station Gidhpuri, Balodabazar-Bhatapara, District Balodabazar-Bhatapara, Chhattisgarh for offence under Section 420, 467, 468, 478, 471 of the IPC, they are being decided by this common order.
2. MCRC No.4951 of 2019 has been filed under Section 439 of the Cr.P.C. by applicants Shiv Kumar Markandey and Dageshwer Ghritlahre for grant of regular bail as they have been arrested on 14-07-2019 in connection with

aforesaid crime number and offence.

3. MCRC No. 4995 of 2019 has been filed under Section 439 of the Cr.P.C. by applicant Loknath Jaiswal for grant of regular bail as he has been arrested on 11-06-2019 in connection with aforesaid crime number and offence.

4. It is submitted on behalf of the applicants that the applicants have been falsely implicated in this case. Applicant Loknath Jaiswal is in jail since 11-06-2019 and applicants Shiv Kumar Markandey and Dageshwer Ghritlahre are in jail since 14-07-2019. These applicants have not committed any offence. All these applicants were working as employee of the main accused Raju Ogre who has been released on bail by the Court below itself. The allegations made in the FIR against these applicants are totally false. Therefore, it is prayed that the applicants may be granted bail.

5. Learned counsel for the State/non-applicant opposes the application submitting that there is evidence present in the case diary against these applicants regarding commission of offence as registered against them. Therefore, the applications may be rejected.

6. Heard learned counsel for the parties and perused the case diary.

7. An inspection was made by the Mining Department on 24-01-2019 in the sand quarry on the bank of river Mahanadi at Charoda. It was found that the sand was being mined and forged royalty receipts and transport permits were prepared by employees of contractor Raju @ Ram Kumar Ogre. Name of these applicants have been revealed as the persons who were preparing forged royalty receipts and transport permit, regarding which FIR has been lodged.

8. Considering that the charge sheet has been filed after completion of the investigation and the case is pending for trial, I feel inclined to allow both these applications.

9. Consequently, both these applications filed by the applicants under

Section 439 of the Cr.P.C. for grant of regular bail are hereby allowed. It is directed that these applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.

10. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge