

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6261 of 2019**

1. Jiyas Ali Khan @ Guddu S/o Sagir Ali, aged about 30 years.
2. Farukh Ali S/o Majar Ali, aged about 28 years.

Both are R/o village – Kherda, Police Station – Jamul, Tahsil (wrongly mentioned as police station) – Dhamdha, District Durg (C.G.)

---- Applicants**Versus**

- State of Chhattisgarh Through : District Magistrate Kawardha, District Kabirdham (C.G.)

---- Respondent

For Applicants	:	Ms. Upasana Mehta, Advocate
For Respondent	:	Shri Vaibhav Kartikeya Agrawal, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****21/11/2019**

1. The applicants have preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as they are arrested in connection with Crime No.20/2019, registered at Police Station – Pandatarai, District - Kabirdham (C.G.) for the offence punishable under Sections 420/34 IPC.
2. The allegation against the present applicants is that they have obtained Rs.2,20,000/- fraudulently from the complainant saying that they will take out the gold buried in his house by performing sorcery and thereby committed cheating. Based on this, offence has been registered. The present applicants have been taken into custody on 18.08.2019
3. Learned counsel for the applicants submits that the

applicants are innocent and have been falsely implicated in the case. He also submits that the applicants are in custody since 18.08.2019, the offence is triable by Magistrate and there is no likelihood of their case being decided in near future. Therefore, they may be released on bail.

4. On the other hand, counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the totality of the facts and circumstances of the case, the gravity of offence and further considering the fact that the applicants are in custody since 18.08.2019, the offence is triable by Magistrate and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release them on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicants shall be released on bail on their executing a personal bond for a sum of Rs.25,000/- each 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.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge