

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9451 of 2018**

1. Raju Khan @ Raja Khan @ Kasmuddin S/o Shri Sahabuddin @ Bahadur Khan, aged about 22 years.
2. Chhote Miyan @ Chhote Khan, S/o Bahadur Khan, aged about 28 years.

Both are resident of Dutkaiyya, Khapri, P.S. Rajim, District Gariyaband (CG).

---- Applicants

Versus

State of Chhattisgarh, through District Magistrate, Durg, District Durg (CG).

---- Non-applicant

For Applicants : Mr. Devershi Thakur and Mr. Mayank Chandrakar, Advocate
 For Non-applicant : Mr. Vikram Dixit, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

18.02.2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicants before this Court and no other bail application of them is pending before any other Court.
2. Perused the case diary provided by the counsel for the State in connection with Crime No.117/2018 registered in Police Station Dhamdha, Durg, District Durg for the offence punishable under Sections 420, 384 read with Section 120-B of Indian Penal Code.
3. Case of the prosecution, in brief, is that complainant Bhushan Sahu is resident of village Rajpur. Applicants and co-accused persons Badshah Khan and Madar Khan obtained Rs.20 lacs from him promising that they will provide job to his daughter, his sister and his son-in-law in Railway department. Thereafter they convinced the said complainant that in his house, wealth is buried. To save from sacrifice to his daughter again obtained Rs.85 lacs from him.
4. Counsel for the applicants submits that the applicants have not committed any offence and have been falsely implicated in the case. He further submits that there is delay in lodging the FIR of more than one year, charge-sheet has been filed and the applicants are in jail since September, 2018. The total amount of receipt is not amounting of Rs.1 Crore 5 lacs hence the applicants may be released on bail.
5. On the other hand, counsel for the State opposes the bail application.

However, he further submits that no criminal antecedent is reported against the applicants in police case diary.

6. Looking to these facts and circumstances of the case, looking to the huge amount involved in the matter, looking to the seriousness of the offence and looking to the impact of granting bail to the applicants on society, this Court is not inclined to give benefit of Section 439 of the Cr.P.C. to the applicants. Consequently, the bail application is rejected.

7. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-