

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9564 of 2018

- Siddharth Mahant S/o Amar Das Aged About 40 Years R/o Village- Hukra, Police Station- Katghora, Tahsil- Katghora, District- Korba, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station- Bankimongra, District- Korba, Chhattisgarh.

---- Respondent

AND

MCRC No. 490 of 2019

- Ajay Rajak S/o Shanker Rajak Aged About 24 Years Caste Dhobi, R/o Village Hunkra, Police Station Katghora, District Korba, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Bankimongra, District Korba, Chhattisgarh

---- Respondent

For Applicant (in MCRC No. 9564/2018)	: Mr. Abhijeet Sarkar, Advocate.
For Applicant (In MCRC No. 490/2019)	: Mr. Nitesh Shrivastava, Advocate.
For Respondent/State	: Mr. KK Dewangan, Dy. GA.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

28/01/2019

1. Since both the cases arise out of same crime number, therefore, they are being disposed of by this common order.
2. The applicants have preferred these first bail applications under Section 439 of Cr.P.C. for grant of regular bail as they are arrested in

connection with crime No. 128/2018, registered at Police Station – Bankimongra, District- Korba (C.G.) for the offence punishable under Section 420, 467, 468, 471 & 34 of the IPC.

3. As per the prosecution story, present applicants along with co-accused persons namely Ratanlal and Ravi Rajak gave inducement to the complainant namely Martin Khalkho and others that in case they purchase their lands, which are proposed to be acquired by the State Government for the purpose of opening coal mines, purchaser of said land will be benefited with employment in SECL. Getting induced, the complainant and others entered into an agreement for purchase and have paid consideration to the accused persons. It is also alleged that sale deed has not been executed till date nor money has refunded to the complainant and other persons. On the basis of above, offence has been registered. Applicant Siddharth Mahant (MCRC 9564/2018) is in custody since 01.08.2018 and Applicant Ajay Rajak (MCRC 490/2019) is in custody since 07.08.2019.
4. Learned Counsel appearing on behalf of the Applicant submits that on the basis of evidence available on record prima facie no offence can be made out against the present applicants, other co-accused person namely Ravi Rajak have already granted benefit of anticipatory bail by this Court vide order dated 07.09.2018 passed in MCRC No. 947/2018 and co-accused Ratan Lal Rajak granted regular bail by this Court vide order dated 04.12.2018 passed in MCRC No. 8041/2018, the applicants are in custody since 01.08.2018 & 07.08.2018 and trial will take some time. Therefore, they may be released on bail.
5. Per contra, learned Counsel appearing on behalf of the State opposes the bail applications.
6. I have heard learned Counsel for the parties and perused the case diary with due care.
7. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the

other co-accused persons have already granted benefit of anticipatory bail and regular bail by this Court, the applicants are in custody since 01.08.2018 & 07.08.2018 and trial will likely to take some time, without further commenting on merits of the case, I am inclined to release the applicants on bail.

8. Accordingly, the bail applications are allowed.
9. 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 solvent surety for the like amount to the satisfaction of the Trial Court for their appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge