

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9995 of 2018

Ram Kumar Rai @ Kali S/o Late C.L. Rai, aged about 56 years, Address- Street no. 20, Block No. 4/A, Sector-4 Bhilai, Police Station Sector-6, Tahsil & District Durg (C.G.).

--- Applicant

Versus

State of Chhattisgarh Through District Magistrate Durg, Police Station Anda, District Durg (C.G.)

---- Respondent

AND

MCRC No. 276 of 2019

G. Shrinu S/o G. Yallayya, aged about 46 years R/o Sector 7, Street No.11, Block No. 6/B, Bhilai, Distt. Durg (C.G.)

--- Applicant

Versus

State of Chhattisgarh Through District Magistrate Durg, District Durg (C.G.)

---- Respondent

For Applicant In MCRC 9995/2018	:	Mr. Manish Upadhaya, Advocate
For Applicant in MCRC 276/2019	:	Mr. B.P. Singh, Dy. Govt. Advocate
For Respondent	:	Mr. Alok Nigam, Govt. Adv.

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

25/01/2019

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 the Cr.P.C for grant of regular bail as they are arrested in connection with Crime No. 73/2018 registered at Police Station Anda, District Durg (C.G.) for the offence punishable under Sections 306, 120-B, 420, 467, 468, 471 and 34 of the IPC
3. In this case there are total 12 accused persons. Deceased Sanju

Banjare committed suicide on 30/07/2018. As per prosecution story, the Deceased owned some land at Village Pauvara. The Applicant along with co-accused namely Nirbhay Jain, Sanju Sahu, Suraj Sahu, Harvinder, Vimal, Anjor Singh, Bhuneshwar Prasad and Rakesh Vaishnav made a criminal conspiracy and on 14/11/2017, they firstly purchased the land of Deceased in Rs. 17,00,000/- and the amount of consideration was kept by Nirbhay Jain. It was further alleged that thereafter they forced the Deceased to prepare forged document of his land and that land was again sale to Rajesh and Anita Tiwari. The amount of consideration was not given to the Deceased. It is further alleged that Nirbhay Jain is involved in the business of moneylender and he, for getting his money back from the Deceased, fraudulently sale the above land through the Deceased to the above mentioned persons. Due to this, the Deceased committed suicide. Applicant Ram Kumar Rai has been arrested on 15/09/2018 and Applicant G. Shrinu has been arrested on 05/10/2018.

4. Learned counsel for the Applicants submits that the Applicants have been falsely implicated in the present case. He further submits that on the basis of evidence collected by the prosecution, prima-facie no offence can be made out against any of the Applicant. He further submits that the charge-sheet has been filed and there is no material in the entire charge-sheet to connect the Applicants with the crime in question. Applicant No. 1 Ram Kumar Rai has been arrested on 15/09/2018, Applicant No. 2 G. Shrinu has been arrested on 05/10/2018 and trial will take time, therefore, the Applicants may be released on bail.

5. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
6. I have heard learned counsel for both the parties.
7. Considering the entire facts and circumstances of the case and the evidence available on record and further considering that Applicant No. 1 Ram Kumar Rai is in custody since 15/09/2018, Applicant No. 2 G. Shrinu is in custody since 05/10/2018, charge-sheet has been filed, trial will likely to take some time and, without further commenting on merit 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. 20,000/- with one 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