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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 2281 of 2020**

Obed Kumar Mehar S/o Tikeshwar, Aged About 31 Years R/o Village And Police Station Bhasma, District Sundergarh (Oddhisha).

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station City Kotwali, District Bilaspur Chhattisgarh.

---- Respondent**And****M.Cr.C. No. 2305 of 2020**

Obed Kumar Mehar S/o Tikeshwar, Aged About 31 Years R/o Village And Police Station Bhasma, District Sundergarh (Oddhisha).

---- Applicant**Vs**

State Of Chhattisgarh Through Station House Officer, Police Station City Kotwali, District Bilaspur Chhattisgarh.

---- Respondent**And****M.Cr.C No. 3808 of 2020**

Obed Kumar Mehar S/o Tikeshwar, Aged About 31 Years R/o Village And Police Station Bhasma, District Sundergarh (Oddhisha).

---- Applicant**Vs**

State Of Chhattisgarh Through Station House Officer, Police Station City Kotwali , District Bilaspur Chhattisgarh.

---- Respondent**And****M.Cr.C No. 4117 of 2020**

Shrimant Das @ Babu S/o Shri Dadhivaman Das, Aged About 38 Years R/o Sarbahal, Ward No. 1, Post - Sarbahal, Police Station And District - Jharsugda (Orissa).

---- Applicant**Vs**

State Of Chhattisgarh Through - The Station House Officer, Police Station - City Kotwali, District - Bilaspur Chhattisgarh.

---- Respondent**And**

M.Cr.C No. 4455 of 2020

1. Shrimant Das@ Babu S/o Shri Dadhivaman Das Aged About 38 Years R/o Sarbahal, Ward No. 1, Post- Sarbahal, Police Station And District- Jharsugda (Orissa)
2. Sujit Khadiya S/o Shri Shrivats Khadiya Aged About 31 Years R/o Banktal, Police Station- Jamankira, District- Sambalpur (Orissa)

---- Applicants**Vs**

State Of Chhattisgarh Through- The Station House Officer, Police Station- City Kotwali, District- Bilaspur, Chhattisgarh.

---- Respondent**And****M.Cr.C No. 4867 of 2020**

1. Shrimant Das@ Babu S/o Shri Dadhivaman Das Aged About 38 Years R/o Sarbahal, Ward No. 1, Post- Sarbahal, Police Station And District- Jharsugda (Orissa)
2. Sujit Khadiya S/o Shri Shrivats Khadiya Aged About 31 Years R/o Banktal, Police Station- Jamankira, District- Sambalpur (Orissa)

---- Applicants**Vs**

State Of Chhattisgarh Through- The Station House Officer, Police Station- City Kotwali, District- Bilaspur, Chhattisgarh.

---- Respondent

For the Applicants	:	Shri Hariom Rai, Advocate in M.Cr.C. Nos. 2281 of 2020, 2305 of 2020 and 3808 of 2020. Shri Rishi Rahul Soni, Advocate in M.Cr.C. Nos. 4117 of 2020, 4455 of 2020 and 4867 of 2020.
For the Respondents/State :		Shri Devendra Pratap Singh, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****11.08.2020**

Heard.

1. All these applications are being decided by this common order as they are identical in which the applicant is same in M.Cr.C. Nos. 2281 of 2020, 2305 of 2020 and 3808 of 2020. These are the third bail applications for

grant of regular bail to the applicant who has been arrested in connection with Crime Nos.542, 550 of 2018 and 2 of 2019, registered at Police Station – City Kotwali, District – Bilaspur, Chhattisgarh for the offences punishable under Sections 420, 468, 120-B, 34 of the Indian Penal Code.

M.Cr.C. Nos. 4117 of 2020, 4455 of 2020 and 4867 of 2020 are the second bail applications for grant of regular bail to the applicants who have been arrested in connection with Crime Nos.542, 550 of 2018 and 2 of 2019, registered at Police Station – City Kotwali, District – Bilaspur, Chhattisgarh for the offences punishable under Sections 420, 468, 120-B, 34 of the Indian Penal Code.

2. It is submitted by learned counsel for the applicant in M.Cr.C. Nos.2281 of 2020, 2305 of 2020 and 3808 of 2020 that he is in jail since 18.3.2019. After completion of investigation, charge-sheet has been filed. The trial has also made some progress. The witnesses of the seizure memorandum have turned hostile. Apart from that, applicant/ co-accused – Sujit Khadiya has been granted bail in these cases by this Court. Hence, under these circumstances, it is prayed that the applicant be enlarged on regular bail in all the three cases.

It is submitted by learned counsel for the applicants in M.Cr.C. Nos.4117 of 2020, 4455 of 2020 and 4867 of 2020 that they are in jail since 30.12.2018. The statements of the witnesses that have been recorded so far in the trial does make evidence for the alleged offences. One of the co-accused, namely, Sujit Khadiya has been granted bail by this Court. Under the pandemic situation, the applicants are facing the danger of getting infected in jail. Hence, under these circumstances, it is prayed that the

applicants be enlarged on regular bail in all the cases.

3. On the other hand, learned counsel for the State opposes the bail applications and the arguments submitted in this respect. It is submitted that the earlier application has been rejected on merits. There are about 10 to 11 cases registered against these applicants. As the applicants had operated a racket and committed the offence of cheating at a huge scale, for these reasons, no case is made out for grant of regular bail to the applicants in all the cases.

4. Heard counsel for both the parties and perused the case diary.

5. Earlier applications of M.Cr.C. Nos. 4615, 5226, 4617, 5550, 4624 and 5231 of 2020 have been rejected on merits after detailed consideration by this Court on 16.8.2019. Only for the reason that some of the witnesses have been examined and as claimed that they have not made any specific statement against these applicants, no conclusion can be drawn specifically by the Court while considering the application for grant of bail. Co-accused – Sujit Khadiya has been granted bail by this Court on 6.3.2020 in M.Cr.C. No. 1276 of 2020 in Crime No. 542 of 2018 only on medical ground not on merits of the case. Therefore, other applicants cannot claim that they are similarly placed. Hence, for these reasons, I do not feel inclined to grant regular bail to applicant – Obed Kumar Mehar in M.Cr.C. Nos. 2281 of 2020, 2305 of 2020 and 3808 of 2020 and applicant - Shrimant Das @ Babu in M.Cr.C. Nos. 4117 of 2020, 4455 of 2020 and 4867 of 2020.

6. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. of applicants - Obed Kumar Mehar and Shrimant Das @ Babu are rejected.

However, the application of applicant - Sujit Khadiya in M.Cr.C. Nos. 4455 of 2020 and 4867 of 2020 with respect to Crime Nos. 550 of 2018 and 2 of 2019 registered in police station – City Kotwali, District – Bilaspur deserves to be allowed for the same reasons on which his application was allowed in M.Cr.C. No. 1276 of 2020. Therefore, the application of applicant – Sujit Khadiya in M.Cr.C. Nos. 4455 of 2020 and 4867 of 2020 are allowed.

7. It is directed that applicant - Sujit Khadiya in M.Cr.C. Nos. 4455 of 2020 and 4867 of 2020 shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge