

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5141 of 2020**

- Mahesh Kumar Thawait S/o Shri Gorelal Thawait, aged about 33 years, R/o House No.34, Basanpali Jarekela, District Raigarh (C.G.)

---- Applicant**Versus**

- State Of Chhattisgarh Through : Station House Officer, Outpost Rajgamar, Police of Police Station Balconagar, Korba, District Korba (C.G.)

---- Respondent**And****MCRC No. 5174 of 2020**

- Chitrasen Yadav S/o Shri Laxminarayan Yadav, aged about 21 years, R/o village Basin Pali, Police Station Tamnar, Tahsil Tamnar, District Raigarh (C.G.)

---- Applicant**Versus**

- State Of Chhattisgarh Through : Station House Officer, Outpost Rajgamar, Police of Police Station Balconagar, Korba, District Korba (C.G.)

---- Respondent

For Applicant	:	Shri Anil Gulati, Advocate
For Respondent	:	Shri H.S. Ahluwalia, Dy. A.G.

Hon'ble Smt Justice Rajani Dubey**Order on Board****18/09/2020**

1. Since the aforesaid bail applications arise out of the same crime number, they are being disposed of by this common order.
2. The applicants have preferred these first bail applications under Section 439 of the Code of Criminal Procedure for grant of regular bail as they are arrested in connection with Crime No.314/2020, registered at

Outpost Rajgamar, P.S. Balconagar, Korba, District Korba (C.G.) for the offence punishable under Sections 420, 201, 379 r/w section 34 IPC.

3. The allegation against the present applicants is that they entered into an agreement of sell of Tata Tiyago car bearing registration No.CG-12-BA-7869 with the complainant and ran away with the car on the pretext of test drive. Based on this, offence has been registered. The applicants have been taken into custody on 09.07.2020.
4. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the case. He further submits that the applicants have executed an agreement of sell of Tata Tiyago Car with the complainant (Annexure P/2) and he has received the amount of Rs.2,95,000/-, but subsequently it was alleged that the price of vehicle was Rs.6,55,000/-, which is afterthought because the applicant, with this much money, may buy a new vehicle in place of used vehicle. He also submits that the applicants are in custody since 09.07.2020 and there is no likelihood of their case being decided in near future. Therefore, they may be released on bail.
5. On the other hand, learned counsel for the State opposed the bail application.
6. I have heard learned counsel for the parties and perused the record.
7. Considering the totality of the facts and circumstances of the case, nature of offence, quality of evidence and further considering the fact that the applicants are in custody since 09.07.2020 and the disposal of case may take some time, without further commenting on merits of the case, I am inclined to release the applicants on

bail.

8. Accordingly, the applications are allowed.
9. The applicants are ordered to be released on bail on their executing a personal bond for a sum of Rs.50,000/- 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, till the final disposal of the trial.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge

Pekde