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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5419 of 2020**

1. Ishwar Solanki S/o Nathuram Solanki Aged About 33 Years R/o Nehru Chowk, Near Madhav Shop, Charoda, Police Station Bhilai-3, Tahsil Patan, District Durg, Chhattisgarh.
2. Praveen Rai S/o Premshankar Rai Aged About 22 Years R/o Nehru Chowk, Near Madhav Shop, Charoda, Police Station Bhilai-3, Tahsil Patan, District Durg, Chhattisgarh.

---- Applicants**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Chhawani, Civil And Revenue District Durg, Chhattisgarh.

---- Respondent

For the Applicants : Shri Purnendra Khichariya, Advocate.
 For the Respondent/State : Shri Devendra Pratap Singh, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****07.10.2020**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.290 of 2020, registered at Police Station – Chhawani, District – Durg, Chhattisgarh for the offences punishable under Section 420/ 34 of the Indian Penal Code.

2. Learned counsel for the applicants submits that the applicants are in jail since 5.6.2020 and have been falsely implicated in this case. There had been some misunderstanding, because of which, false FIR has been lodged. The complainant has already been received back an amount of

Rs.5,00,000/- on supurdnama by the Court. One of the co-accused has been granted bail by the Co-ordinate Bench of this Court in M.Cr.C. No.5189 of 2020 vide order dated 21.9.2020 and these applicants are similarly placed. Hence, it is prayed that the applicants be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the applicants have no entitlement for grant of bail. Hence, the application be rejected.

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

5. According to the prosecution case, it is alleged that these applicants and the co-accused persons by deceit made sale of fake gold to complainant – Nirmal Kumar Jain and after giving inducement have received Rs.5,00,000/- causing wrongful loss to him.

6. Considering the fact that one of the co-accused has been granted bail by the Co-ordinate Bench of this Court, therefore, I feel inclined to grant bail to the applicants in this case.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicants shall be released on bail on each of them 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 their 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