

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 622 of 2021**

- Kaushal Prasad Miri, S/o Beduram Miri, aged about 35 Years, R/o Village Mudpar, Post - Parsadih, Police Station Bilaigarh, District - Balodabazar-Bhatapara (Chhattisgarh).

----Applicant

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station - Sarkanda, District – Bilaspur, Chhattisgarh.

----Non-applicant

MCRC No. 931 of 2021

- Savitri Alais Savita Sahu, D/o Late Siyaram Sahu, aged about 38 Years, R/o - Village - Kulipota, Janjgir, Police Station Janjgir, District - Janjgir - Champa Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh, Through Police Station Sarkanda, District Bilaspur, Chhattisgarh.

---- Non-applicant

MCRC No. 1565 of 2021

- Om Prakash Gauraha @ Raju Pandit, S/o Shri Vidya Prasad, aged about 32 Years, R/o Village Jairamnagar, (Khaira), P. S. Masturi, District Bilaspur, Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station Sarkanda, District Bilaspur, Chhattisgarh.

----Non-applicant

For Applicants	Shri Achyut Tiwari, Shri F.S. Khare and Shri Dheerendra Pandey, Advocates.
For State	Shri Vimlesh Bajpai, Government Advocate.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

22/03/2021

1. As all these first bail applications filed under Section 439 of Cr.P.C. arise out of the same Crime No.679/2020 registered at police station Sarkanda, District Bilaspur, C.G., they are being disposed of by this common order.

Applicants	In jail since	For offence under Sections
Kaushal Prasad Miri	14.12.2020	120B & 420 of Indian Penal Code
Om Prakash Gauraha @ Raju Pandit	14.12.2020	419, 420, 467, 468, 471 & 120B of Indian Penal Code
Savitri @ Savita Sahu	14.12.2020	419, 420, 467, 468, 471 & 120B of Indian Penal Code

2. Case of the prosecution, in brief, is that complainant Chetan Kumar Kevat lodged a report against the applicants & co-accused alleging in it that they sent one fake person to him for purchasing a 14 wheeler truck and that person agreed to buy the same in the sum of Rs.12,75,000/- and gave a cheque worth Rs.2,25,000/- to complainant and took away the said truck from him but till date complainant has not received a single penny from fake person and could not trace him. On report being lodged to the above effect,

offence under the aforesaid sections have been registered against the applicants.

3. Learned counsel for the applicants submits that applicants are innocent persons and have been falsely implicated in this case. They submit that the allegation against the present applicants is false and baseless. The applicants are in jail since 14.12.2020, charge sheet has already been filed and conclusion of trial is likely to take some time. Therefore, the applicants be released on bail.
4. On the other hand, learned counsel for the State opposes the bail applications.
5. Heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the nature of allegations leveled against the present applicants, the detention period of the applicants, who are 35, 32 & 38 years of age, charge sheet has already been filed, the fact that the applicants have no criminal antecedents and there is no likelihood of the applicants tampering with the evidence or absconding as admitted by both the counsel and conclusion of trial may take some time, without expressing any opinion on the merits of the case, this Court is of the opinion that present is a fit case for grant of bail to the applicants. Accordingly, the applications are allowed. It is directed that in the event of each of the applicants executing a personal bond for a sum of Rs.1,00,000/- with two sureties of Rs.50,000/- each to the satisfaction of the concerned trial Court, they shall be released on bail on the following conditions:-

- (i) they shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court,
- (ii) they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.
- (iv) they shall not involve themselves in any offence of similar nature in future or else this order granting bail to the applicants shall automatically stand cancelled without further reference to this Court.

Let a copy of this order be forwarded to the concerned police station forthwith who shall inform the trial Court in the event of applicants involving themselves in similar offence in future.

Sd/-
Gautam Chourdiya
Judge

Akhilesh