

M.Cr.C. No. 458 of 2021 & M.Cr.C. No. 834 of 2021

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 458 of 2021

- Sumesh Kumar S/o Khublal, Aged about 25 years, R/o Block No. 1, Qtr. No. G, Sadak-14, Sector-06, Bhilai, Tahsil and District Durg (C.G.)

---- Applicant

Versus

- State of Chhattisgarh Through : Station House Officer, Police of Police Station Sanawal, District – Balrampur-Ramanujganj (C.G.)

---- State/Non-applicant

And

M.Cr.C. No. 834 of 2021

- Bhavesh Kumar Sahu, S/o Parmanand Sahu, aged about 24 years, R/o 1E, Road 14, Section-6, Ward No. 46, Civic Centre, Bhilai, District Durg (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through : Station House Officer, Police Station-Sanawal, District Balrampur-Ramanujganj (C.G.)

---- State/Non-applicant

For Applicants	:	Shri Pramod Verma, Senior Advocate with Shri Prasoon Agrawal & Shri Purnendra Khichariya, Advocates appears in both the applications.
For Non-Applicant/State	:	Shri Vimlesh Bajpai, Government Advocate appears in both the applications

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

01.03.2021

1. As both the above first bail applications under Section 439 of Cr.P.C. preferred by the applicants arise out of the same Crime No. 64/2020 registered in Police Station- Sanawal, District Balrampur-Ramanujganj (CG) for the offence punishable under Sections 419, 420 & 294 read with Section 34 of IPC, they are being disposed of by this common order.
2. Case of the prosecution is that the present applicants gave the false assurance to complainant Anjali Pandey that she will get admission at in Medical College and for that they obtained a sum of Rs.1,75,000/- from her. At the time of obtaining the amount, the applicants tried to take a photograph of the complainant and has also abused her. Therefore, the F.I.R. was lodged against the above applicants.
3. Learned counsel for the applicants submit that the applicants have been falsely implicated in this crime, they are languishing in jail since 25.11.2020,

the charge-sheet has been filed and conclusion of the 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. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, looking to the nature of offence which is triable by Magistrate, the detention period of the applicants, the charge-sheet has already been filed and conclusion of the trial is likely to take some time, and that there is no apprehension of the applicants tampering with the evidence or absconding and also they have no criminal antecedents as admitted by learned counsel for the parties, without expressing any opinion on merits of the case, the applications are allowed.
6. 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 the Bench.
7. In the result, M.Cr.C. No. 458 of 2021 and M.Cr.C. No. 834 of 2021 are allowed on the above terms and conditions.

Sd/-
(Gautam Chourdiya)
Judge