

M.Cr.C. No. 730 of 2021 & M.Cr.C. No. 1152 of 2021

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 730 of 2021

- Kundu Ram Verma S/o late Ramcharan Verma, aged about 60 years, R/o Village Bothi, Police Station O.P. Jalbandha, Khairagarh, District Rajnandgaon (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through the Police Station Ghumka, District - Rajnandgaon (C.G.)

---- State/Non-applicant

And

M.Cr.C. No. 1152 of 2021

- Jagmeet Singh Chhabda S/o Sardar Ranjeet Singh Chhabda, aged about 32 years, R/o Ward No. 12, in front of State Bank, Dongargarh, District Rajnandgaon (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through : The Station House Officer, P.S. Ghumka, District Rajnandgaon (C.G.)

---- State/Non-applicant

For Applicant	:	Shri S.S. Baghel, Advocate appears in M.Cr.C. No. 730/2021
For Applicant	:	Shri Shashank Thakur, Advocate appears in M.Cr.C. No. 1152/2021
For Non-Applicant/State	:	Shri Dinesh Kumar Tiwari, Deputy Government Advocate appears in both the applications.

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

09.03.2021

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. 192/2018 registered in Police Station- Ghumka, District Rajnandgaon (CG) for the offence punishable under Sections 420, 467, 468 & 471/34 of IPC, they are being disposed of by this common order.
2. Case of the prosecution in brief is that a written complaint was made by complainant Gagan Bisen, Director of Magma HDI General Insurance Company Limited, Raipur, at Police Station Ghumka that in connection with

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accident which took place on 09.01.2016 by vehicle Tractor bearing registration No. CG 08 P 4734, Crime No. 02/16 for the offence under Sections 279, 337 & 304A of IPC was registered. In the said accident, Bhimchand Dewangan died and a claim petition was filed by Gulbati Dewangan & five others before the Fourth Additional Motor Accident Claims Tribunal, Durg arraying Kundu Ram Verma (applicant in M.Cr.C. No. 730/2021) as owner of the said vehicle and Magma HDI General Insurance Company Limited as Insurer of the said vehicle. However, on verification, it was found by the Insurance Company that the said insurance policy was never issued by it or it is a forged one. During investigation, statements of witnesses including Kundu Ram Verma were recorded. In his statement, Kundu Ram Verma stated that he had purchased the aforesaid vehicle on 31.12.2012 from Jain Motors, Khairagarh through finance and got the same insured through Jagmeet Singh (applicant in M.Cr.C. No. 1152/2021) who is agent of Magma HDI General Insurance Company Limited. After completion of investigation, charge-sheet has been filed against the above present applicants under Sections 420, 467, 468 & 471/34 of IPC.

3. Learned counsel for the applicants submits that the applicants have been falsely implicated in this crime, they are languishing in jail since 29.12.2020 & 07.01.2021, 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, considering the nature of dispute between the parties, the detention period of the applicants, 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

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absconding, 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. 730 of 2021 and M.Cr.C. No. 1152 of 2021 are allowed on the above terms and conditions.

Sd/-
(Gautam Chourdiya)
Judge

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