

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.2672 of 2021**

Love Kumar Kaiwartya S/o Kholbahra Kaiwartya, aged about 36 years,
R/o Behind Girls School, Akaltara, Police Station Akaltara, District Janjgir-
Champa (CG)

---Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police of Police
Station – Sarkanda, District-Bilaspur (CG)

---Non-Applicant

And**M.Cr.C.No.2677 of 2021**

Gazi Khan son of Sabbir Khan, aged about 38 years, resident of Phool
Chowk, Nayapara, Raipur, Police Station – Gol Bazar, District Raipur
(CG)

---Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station –
Sarkanda, District-Bilaspur (CG)

---Non-Applicant

For Applicant	:	Mr.N.K.Chaterjee, Advocate in M.Cr.C.No.2672 of 2021
For Applicant	:	Mr.Aditya Khare, Advocate in M.Cr.C.No.2677 of 2021
For Non-Applicant	:	Ms Hamida Siddiqui, Addl.A.G.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

19/05/2021

1. Proceedings of these matters have been taken up through video conferencing.
2. Since the aforesaid two bail applications have been filed against the same crime number i.e. Crime No.679/2020, they are being disposed

of by this common order.

3. These are the first bail applications 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.679/2020, registered at Police Station-Sarkanda, District-Bilaspur (CG), for the offence punishable under Sections 419, 420, 467, 468, 471 and 120B of the IPC.

4. Case of the prosecution, in brief, is that the present applicants along with three other co-accused namely Savitri, Om Prakash and Kaushal Prasad cheated the complainant and thereby committed the aforesaid offences.

5. Learned counsel for the applicants would submit that the applicants have not committed any offence and they have falsely been implicated in crime in question. They would further submit that co-accused Savitri @ Savita Sahu, Om Prakash and Kaushal Prasad Miri have been enlarged on bail by this Court in M.Cr.C.Nos.931/2021, 1565/2021 and 622/2021 and the case of the present applicants is similar to that of the co-accused who have been enlarged on bail. Applicant-Love Kumar Kaiwartya is in jail since 11.2.2021 and applicant-Gazi Khan is in jail since 12.2.2021, as such, they are also entitled for grant of bail.

6. On the other hand, learned counsel for the State would submit that the case of the present applicants is identical to that of the co-accused who have been enlarged on bail.

7. I have heard learned counsel appearing for the parties and

perused the case diary.

8. Taking into consideration the facts & circumstances of the case, nature & gravity of the offence, role of the present applicants, their detention period and the fact that the case of the present applicants is similar to that of co-accused Savitri @ Savita Sahu, Om Prakash and Kaushal Prasad Miri who have been enlarged on bail in M.Cr.C.Nos.931/2021, 1565/2021 and 622/2021, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.

9. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed.

10. It is directed that the applicants shall be released on bail on their furnishing a personal bond in the sum of ₹25,000/- each with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Certified copy today.

Sd/-

(Sanjay K. Agrawal)
VACATION JUDGE

B/-