

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

M.Cr.C. No. 5462 of 2021

1. Shankar Mograj, aged about 66 years, son of late Ram Swami Mograj, resident of Santoshi Nagar, Tajnagar, Police Station – Tikrapara, Raipur, District Raipur (C.G.)
2. Raju Ram Sahu, aged about 52 years, son of Chhoturam Sahu, resident of New Subhash Nagar, Tikrapara, Raipur, Tahsil & District Raipur (C.G.)

---- Applicants

Versus

- State of Chhattisgarh Through : Station House Officer, Police Station – Civil Line, Raipur, District Raipur (C.G.)

---- State/Non-Applicant

For Applicants	:	Shri Krishna Kumar Dewangan, Advocate
For Non-Applicant/State	:	Shri Adil Minhaz, Government Advocate

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

16.08.2021

1. The applicants have preferred this first bail application under Section 439 of Cr.P.C. as they are in jail since 26.05.2019 & 27.05.2019 in connection with Crime No. 309/2019 registered in Police Station- Civil Line, Raipur, District- Raipur (CG) for the offence punishable under Sections 420 & 193 of IPC.
2. Allegation against the present applicants is that they submitted *Rin-Pustika* for releasing of the other accused and on examination of the said *Rin-Pustika*, the same were found to be forged and fabricated.
3. Learned counsel for the applicants submits that the applicants have been falsely implicated in the crime in question, the applicants have no criminal antecedents, there is no likelihood of the applicants tampering with the prosecution evidence or absconding, they are in jail since 26.05.2019 & 27.05.2019, and due to Covid-19 pandemic, trial is likely to take some time for its final disposal. He also submits that in this crime, co-accused namely Santuram and Chholaram have been granted bail by the trial Court, therefore, the applicants be released on bail by this Court.
4. On the other hand, learned counsel for the Non-Applicant/State opposes the

bail application.

5. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, considering the nature allegation made against the applicants, the detention period of the applicants who are 52 & 66 years old, charge-sheet has already been filed, there is no progress in trial, due to covid-19 pandemic, conclusion of trial may take some time, the fact that the applicants have no criminal antecedents, there is no likelihood of the applicants tampering with the prosecution evidence or absconding as admitted by both the counsels and further that the co-accused persons have already been granted regular bail by trial Court as mentioned in order impugned, without commenting anything on merits of the case, the application is allowed.
6. It is directed that in the event of each of the applicants executing a personal bond for a sum of Rs.2,00,000/- with two sureties of Rs.1,00,000/- each to the satisfaction of the concerned Trial Court, they shall be released on bail, on 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/her 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 strictly follow the COVID-19 protocol issued by the Central Government / State Government / Local Authority.
 - v. they shall not involve themselves in any offence of similar nature in future.
7. 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 nature of offence.

Sd/-
(Gautam Chourdiya)
Judge