

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6635 of 2021**

1. Ghanshyam Sahu, S/o Deendayal Sahu, aged about 35 Years,
 2. Dharmendra Kumar Sahu, S/o Deendayal Sahu, aged about 41 Years,
- Both are R/o Khamhardih, Police Station Khamhardih, District- Raipur, Chhattisgarh.

----Applicants**Versus**

- State of Chhattisgarh, Through Station House Officer, Police Station- Nagri, District- Dhamtari, Chhattisgarh.

----Non-applicant**MCRC No. 6654 of 2021**

- Anil Kumar Banpela (Sahu), S/o Late Bhanuram Sahu, aged about 53 Years, R/o Ward No. 7, Jangalpara, Nagri, Tehsil and Police Station Nagri, District Dhamtari, Chhattisgarh.

----Applicant**Versus**

- State of Chhattisgarh, Through Police Station Nagri, District Dhamtari, Chhattisgarh.

----Non-applicant

For Applicants	Shri Amit Kumar and Shri Shishir Dixit, Advocates for the respective applicants.
For State	Shri Anand Verma, Deputy A.G.

Hon'ble Shri Justice Gautam Chourdiya **Order on Board****25/10/2021**

1. As both these first bail applications filed under Section 439 of Cr.P.C. arise out of the same Crime No.54/2020 registered at Police Station Nagri, District Dhamtari, C.G. for the offence punishable under

Sections 120-B, 420, 467, 468, 471, 34 of Indian Penal Code, they are being disposed of by this common order.

2. Allegation against the present applicants is that they allured the 41 unemployed persons for providing them job in Forest Department and thus fraudulently obtained Rs.71,66,500/- from them whereas no such employment was provided to them. On report being lodged to the above effect, offence under the aforesaid Sections have been registered against the present applicants
3. Learned counsel for the applicants submit that the applicants are innocent persons and have been falsely implicated in the case. They submit that there is no direct proof of applicants' involvement in the alleged crime. Applicants are in custody since 02.06.2021 & 20.07.2021 respectively, charge sheet has already been filed and conclusion of the trial will take some time. Therefore, they may be released on bail.
4. On the other hand, learned counsel for the State opposes the bail applications. However, he submits that applicant- Anil Kumar Banpela (Sahu) has two criminal antecedents bearing Crime No.37/2020 for the offence under Sections 295A, 153A, 188, 34 of IPC and 67 of IT Act and Crime No.52/2016 relating to preventive action whereas as applicants Ghanshyam Sahu and Dharmendra Kumar Sahu have no criminal antecedents.
5. Heard learned counsel for the parties.

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6. Looking to the entire allegation made against the applicant-Anil Kumar Banpela (Sahu) that he had taken Rs.71,66,500/- from 41 unemployed persons for providing them job in Forest Department and there are number of victims in this case, I am not inclined to release the applicant- Anil Kumar Banpela (Sahu) on bail.

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7. Considering the facts and circumstances of the case, the nature of allegation against the applicants- Ghanshyam Sahu & Dharmendra Kumar against whom there is no specific allegation that they demanded any amount from the victims for providing job, there is only allegation that some amount was given by accused/applicant Anil Kumar Banpela (Sahu) to applicant Ghanshyam Sahu, the detention period of the applicants, who are 35 & 41 years old, charge sheet has been filed, the applicants have no criminal antecedents and there is no likelihood of the applicants tampering with the evidence or absconding as admitted by counsel for the parties and conclusion of trial may take some time, without commenting anything on merits of the case, this Court is of the opinion that present is a fit case to release the applicants (Ghanshyam Sahu & Dharmendra Kumar Sahu) on bail. Accordingly, the bail application i.e. MCRC No.6635 of 2021 is allowed. 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 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 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.

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 any offence in future.

8. In the result :-

- **MCRC No.6654 of 2021** filed by the applicant Anil Kumar Banpela (Sahu) is rejected.
- **MCRC No.6635 of 2021** filed by the applicants- Ghanshyam Sahu & Dharmendra Kumar Sahu is allowed.

Sd/-
Gautam Chourdiya
Judge