

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9383 of 2020**

1. Santosh Kumar Das S/o Mohan Sundar Das Aged About 37 Years R/o Village Mudalsar , Police Station Patnagarh, District Balangir Orrisa., District : Balangir, Orissa
 2. Akshay Kumar S/o Late Shri Gokulchand Kar Aged About 42 Years R/o Village Patnagarh, Police Station Patnagarh, District Balangir Orrisa., District : Balangir, Orissa
- Applicants**

Versus

- State of Chhattisgarh Through Police Station Mahasamund, District Mahasamund Chhattisgarh.
- Non-applicant**

For Applicants : Mr. Shubhank Tiwari, Advocate.

For State : Mr. Vilmesh Bajpai, Dy. Govt. Advocate

Hon'ble Shri Justice Gautam Chourdiya**Order on Board****02-02-2021**

1. Mr. Raj Kumar Gupta, Advocate appears and submits that he is not appearing in this case as an Objector, he has filed his memo of appearance as an Objector in M.Cr.C.No. 9283 of 2020 (Suman Sahu vs. State of Chhattisgarh) but due to some clerical mistake, his memo of appearance has been tagged in the present case, therefore, he may be exempted from appearing in this case.
2. Accordingly, Mr. Raj Kumar Gupta, Advocate is exempted from appearing in this case and his memo of appearance tagged in this case, be tagged in M.Cr.C.No.9283 of 2020.

3. The applicants have preferred this first bail application under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail as they are in jail since 27-11-2020 in connection with Crime No.672 of 2020 registered at Police Station Mahasamund, District Mahasamund (CG) for the offence punishable under Sections 420, 511 read with Section 34 of IPC.
4. The case of the prosecution, in brief, is that the complainant lodged a report in Police Station stating therein that the present applicants along with other co-accused came on motor-cycle, met him and told him that they have red mercury fuse and remote which is used to clean the gold and also they found the buried treasure with the help of mercury and remote, thereby they cheated the complainant.
5. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case. He would further submit that only on the basis of suspicion, they are arrested and except present one, applicants have no other criminal antecedents. He would further submit that the applicants are in jail since 27-11-2020 and conclusion of the trial is likely to take some time for its final disposal, therefore they may be released on bail.
6. On the other hand, learned counsel for the State opposes the bail application.
7. I have heard learned counsel for the parties and perused the case diary.

8. Considering the facts and circumstances of the case, nature of allegations leveled against the applicants, looking to the detention period of the applicants and the fact that the applicants have no other criminal antecedents as admitted by both the parties and that conclusion of trial may take some time, without commenting anything on merits of the case, I am of the opinion that it is a fit case to grant bail to the applicants.
9. Accordingly, the application is allowed and it is directed that the applicants shall be released on bail on each of them 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 appear before the trial Court on each and every date given by the said trial court, till disposal of the trial. The applicants are being granted 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 them 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.

Sd/-

(Gautam Chourdiya)
Judge

Raju