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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9487 of 2020

1. Mirja Ibrahim Beg S/o Mirja Sarif Beg, Aged About 33 Years as per order, 45 years actual age, R/o Housing Board Colony, Bhilai, District Durg (Chhattisgarh) Tahsil And District Raipur (Chhattisgarh) (As Mentioned In Order), District : Raipur, Chhattisgarh
2. Jahid Khan S/o Munna Mohammad Khan, Aged About 36 Years R/o Supela Market, Ward No. 05, Bhilai, District Durg Chhattisgarh, District : Durg, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Police Station Kotwali, Raipur District (Chhattisgarh), District : Raipur, Chhattisgarh

--Non-Applicant

For Applicants	:	Shri S.S. Rajput, Advocate
For Non-Applicant/State	:	Dr. (Ms.) Veena Nair, Dy. A.G.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

04.02.2021

1. The applicants have preferred this first bail application under Section 439 of Code of Criminal Procedure, 1973 as they are in jail since 2.12.2020 in connection with Crime No.94/2019, registered at Police Station- Kotwali, Raipur, District Raipur (CG) for the offence punishable under Sections 417, 420, 467, 468, 471, 472, 511, 120B of the IPC.
2. Case of the prosecution is that the vehicles of the applicants have been engaged by the Police Department at Bhilai and by making fraud, the applicants have shown extra kilometers, made forged entries in the diary and made forged sign of the BSF Transporting Authority and put seal and thereafter submitted bill and obtained payment. Based on this, an offence has been registered and the applicants were taken into custody.

3. Learned counsel for the applicants submits that the applicants have been falsely implicated in the crime in question, they have not committed any offence. Both the applicants are drivers and the vehicles of their agencies were requisitioned by police for use of security forces deployed in Bhilai and other places in the State. He submits that charge sheet is ready for submission and the co-accused persons have been enlarged on anticipatory bail by the co-ordinate Bench in MCRC(A) Nos.532 of 2019 and 607 of 2019, therefore, the applicants may be released on bail by this Court.
4. On the other hand, learned counsel for the Non-Applicant/State opposes the bail application. However, she accepts that there is no criminal antecedent against the applicants and charge sheet is ready for submission.
5. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case and looking to the nature of allegations against the applicants and their detention period and as accepted by both the counsel; there is no criminal antecedent against the applicants; other co-accused persons have been enlarged on anticipatory bail by the co-ordinate Bench and conclusion of trial may take some time, this Court is of the opinion that present is a fit case for grant of bail to the applicants. Accordingly, the application is allowed.
6. It is directed that in the event of the each of the applicants executing a personal bond for a sum of Rs.25,000/- with one surety each in like sum to the satisfaction of the concerned Trial Court, they shall be released on bail, on the following conditions:-
7. (a) 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.
(b) they shall not act in any manner which will be prejudicial to fair and expeditious trial, and

(c) they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

(d) 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.

Sd/

(Gautam Chourdiya)
Judge

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