

(2019) 04 CHH CK 0112

In the Chhattisgarh High Court

Case No : Miscellaneous Criminal Case (MCRC) No. 2324 Of 2019

Mohar Sai Suryawanshi And Ors

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision : 16-04-2019

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439

Indian Penal Code, 1860 — Section 34, 420, 467, 468, 471

Citation : (2019) 04 CHH CK 0112

Hon'ble Judges : Rajendra Chandra Singh Samant, J

Bench : Single Bench

Advocate : Shubham Tripathi, I. Lakra

Final Decision : Allowed

Judgement

Rajendra Chandra Singh Samant, J

1. This is the first bail application 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.222/2018, registered at Police Station - Champa, District Janjgir-Champa (C.G.), for the offence punishable under Section 420, 467, 468, 471 & 34 of the Indian Penal Code.

2. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case. The applicants are in jail since 07.12.2018. They are not at all involved in the offence that is alleged to have been committed. Therefore, it is prayed that the applicants may be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect.

4. I have heard the learned counsel for both the parties and perused the case diary.

5. According to the evidence proposed against the applicants in the present case, these applicants had no knowledge of the purpose for which the signature were obtained on the affidavit which they affixed only on asking by the Advocate. Therefore, it is a case of bonafide mistake committed by them. Further development that has taken place is this that the complainant/Ganesh Ram Sahu has compromised with these applicants and he filed an affidavit before the Court below making the statement that he has no objection.

6. After due consideration, I feel inclined to allow this application.

Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

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

Certified copy as per rules.