

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.2387 of 2015

Ramashankar Gupta, S/o Shri Bhurelal Gupta, aged about 35 years, R/o Moti Nagar, Near Shiv Temple, Santoshi Nagar, P.S. Tikrapara, Raipur, Tahsil, Civil and Revenue Distt. Raipur (C.G.)

---- Applicant

Versus

State of Chhattisgarh, through Station House Officer, Police Station Telibandha, Distt. Raipur (C.G.)

---- Non-applicant

Misc. Criminal Case No.3068 of 2015

Jagdish Chelak, aged 45 years, S/o Shri Pyarelal Chelak, R/o Vill. Dondekala, P.S. Vidhan Sabha, Tah. Raipur, Civil & Rev. Distt. Raipur (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through PS Telibandha, Civil & Rev. Distt. Raipur (C.G.)

---- Non-applicant

Misc. Criminal Case No.3070 of 2015

Mahesh Kumar Sinha, aged 42 years, S/o Shri Sonuram Sinha, R/o Vill. Sarkeda, P.S. Pithoura, Civil & Rev. Distt. Mahasamund (C.G.), Presently R/o Vijay Nagar, P.S. Telibandha, Tah. Raipur, Civil & Rev. Distt. Raipur (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through PS Telibandha, Civil & Rev. Distt. Raipur (C.G.)

---- Non-applicant

ANDMisc. Criminal Case No.3233 of 2015

Ramjus Gupta @ Kallu, S/o Mahaveer Gupta, aged about 40 years, R/o Mathpurena, Rawatpura Colony, Police Station Tikrapara, Civil & Revenue Distt. Raipur (C.G.)

---- Applicant

Versus

State of Chhattisgarh, through Station House Officer, Police Station Telibandha, Distt. Raipur (C.G.)

---- Non-applicant

For Applicants in M.Cr.C.Nos.2387/2015 & 3233/2015:

Mr. Awadh Tripathi, Advocate.

For Applicants in M.Cr.C.Nos.3068/2015 & 3070/2015:

Mr. Devershi Thakur, Advocate.

For Non-applicant/State:

Mr. Lav Kumar Sharma, Panel Lawyer.

Hon'ble Mr. Justice Sanjay K. Agrawal

Order On Board

12/08/2015

1. Since all the above applications are arising out of the same crime number, they are being disposed of by this common order.
2. The accused/applicants have moved these bail applications under Section 439 of the Code of Criminal Procedure, 1973 for releasing them on regular bail during trial in connection with Crime No.297/2014 (Criminal Case No.17050/2014 pending in the Court of Chief Judicial Magistrate, Raipur), registered at Police Station Telibandha, Raipur, Distt. Raipur for the offence punishable under Sections 454 and 380 read with Section 34 of the IPC.
3. These applications are the subsequent bail applications filed on behalf of the applicants for grant of regular bail after dismissal of earlier bail applications on merits. One of the accused Shiv Shanker Gupta, whose bail application was rejected by this Court, had filed Cr.A.No.663/2015 before the Supreme Court of India and the Supreme Court by its order dated 20-4-2015 granted regular bail to Shiv Shanker Gupta. Therefore, the present applicants have filed the instant subsequent bail applications which are being entertained.
4. Learned counsel for the applicants submit that the applicants have not committed any offence and they have been falsely implicated in the case. Shiv Shanker Gupta, from whose possession 19 stolen articles were recovered, has been granted bail by the Supreme Court in Cr.A.No.663/2015 (Shiv Shanker Gupta v. State of Chhattisgarh). Likewise, 11 stolen articles have been recovered from the possession of applicant Ramashankar Gupta and 17 stolen articles have been recovered from the possession of applicant Ramjus Gupta @ Kallu. No article has been recovered from the possession

of applicants Jagdish Chelak and Mahesh Kumar Sinha. Therefore, the case of the present applicants is identical to that of co-accused Shiv Shanker Gupta rather on better footing. Applicants Ramashankar Gupta and Ramjus Gupta @ Kallu are in jail since 15-8-2014. Applicants Jagdish Chelak and Mahesh Kumar Sinha are in jail since 9-8-2014. Seven witnesses have been examined and they have not supported the case of the prosecution. The applicants are in jail since more than one year and no useful purpose will be served by further detaining them in jail.

5. Per contra, learned State counsel opposes the bail applications and fairly submits that case of the present applicants is identical to the case of Shiv Shanker Gupta who has been granted bail by the Supreme Court.
6. I have heard learned counsel for the parties and perused the material available on record.
7. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, further taking into account the fact that the case of the present applicants is similarly situated with that of co-accused Shiv Shanker Gupta who has been granted bail by the Hon'ble Supreme Court of India, pre-trial detention of the present applicants and considering the statements of the witnesses recorded before the trial Court, I am of the view that it is a fit case to grant regular bail to the applicants. Accordingly, the applications are allowed.
8. It is, therefore, directed that the applicants be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned Court for their appearance as and when directed.

Sd/-
(Sanjay K. Agrawal)
Judge