

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1885 of 2016

Ankit Keshri, S/o. Omprakash Keshri, Aged About 20 Years, (in the rejection order wrongly mentioned as 30 years), R/o. Near Bus Stand, Kawardha. Student of JIFSA St. Joseph's International Fire & Safety Academy, 2nd Floor, Transport Nagar, Korba, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through the Station House Officer, Police Station Kawardha, Distt. Kabirdham, Chhattisgarh

---- Respondent

MCRC No. 2038 of 2016

Ankit Sainy, S/o. N.P.Sainy, Aged About 26 Years, R/o. Ward No.21, Near Gayatri Mandir, Kawardha, Kabirdham, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through the Police Station Kawardha, Kabirdham, Chhattisgarh

---- Respondent

MCRC No. 1971 of 2016

Ayaz Khan, S/o. Tafazzul Khan (wrongly mentioned Nafajul), Aged About 19 Years, R/o. Beachpara, Kawardha, Police Station - Kawardha, District - Kabirdham (Chhattisgarh)

---- Applicant

Versus

State Of Chhattisgarh, Through the Station House Officer, Police Station Kawardha, District Kabirdham, Chhattisgarh

---- Respondent

MCRC No. 2152 of 2016

Mohd. Aabid Qureshi, S/o. Mohd Afzal Qureshi, Aged About 25 Years, R/o. Kailash Nagar, Ward No. 3, Post Office, Police Station & Tehsil - Kawardha, Distt. - Kabirdham, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through the Station House Officer, Police Station Kawardha, District Kabirdham, Chhattisgarh

---- Respondent

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MCRC No. 2153 of 2016

Sheikh Anish @ Aju, S/o. Asif Khan, Aged About 19 Years, R/o. Darripara, Post Office, Police Station & Tahsil - Kawardha, District Kabirdham, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through the Station House Officer, Police Station Kawardha, District Kabirdham, Chhattisgarh

---- Respondent

For Applicants : Mr. B.D.Guru, Mr. Ajit Singh, Mr. Anil Gulati & Mr. A.L.Singroul on behalf of Mr. Shivendu Pandya, Advocates for the respective Applicants.

For Respondent : Mr. Vivek Singhal, Panel Lawyer for the State.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

22.06.2016

1. These are the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No.391/2015, registered at Police Station Kawardha, District Kabirdham (C.G.) for the offence punishable under Section 395 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 09.11.2015, the complainant while was going on his motorcycle, he was stopped and thereafter looted Rs.12000/-, mobile and some ornaments and other papers, for which a report was made on 11.12.2015 to the police alongwith number of motorcycle and on investigation it was found that the applicants have committed the offence.
3. Learned counsel for the applicants would submit that the lodger of the FIR Arvind Chandravanshi and Lalji Chandravanshi to whom the incident was disclosed have been examined and they have not supported the case of the prosecution and turned hostile. It is

further submitted that the report was made after one month and therefore number of motorcycle was implanted, therefore, the applicants may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail and he would submit that from the possession of the applicants mobile was seized, therefore, they may not be enlarged on bail.
5. Perused the statement of Arvind Chandravanshi and Lalji Chanedravanshi. Considering the statement of Arvind Chandravanshi, the complainant, he has not supported the case of the prosecution along-with Lalji Chandravanshi and has not even identified the applicants, therefore, without any observation on merit, at this stage, still the trial is going on, I am inclined to release the applicants on bail.
6. Accordingly, all the bail applications filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that the applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge