

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3451 of 2017**

Dilip Kumar S/o Rajkumar Dhruw Aged About 26 Years R/o
Forest Colony Pandari, Police Station Pandari, District Raipur,
Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh through its District Magistrate, District
Dhamtari, CG.

---- Respondent**And****MCRC No. 3467 Of 2017**

Manoj Kumar Jangade S/o Hidraylala Jangade, Aged About 25
Years R/o Village Dataurangi Police Station Palari, District Baloda
Bazar Bhatapara, Chhattisgarh.

----Applicant**Vs**

State Of Chhattisgarh Through Its District Magistrate, District
Dhamtari, CG.

---- Respondent**And****MCRC No. 4003 Of 2017**

Jeevan Yadu S/o Late Gambheer Yadu, Aged About 45 Years R/o
Village Rajpur, Police Station Magarload, District Dhamtari, CG.

----Applicant**Vs**

State Of Chhattisgarh Through Station House Officer, Police
Station Magarload, District Dhamtari, Chhattisgarh.

---- Respondent**And****MCRC No. 4022 Of 2017**

Dilip Sahu S/o Ramsagar Sahu, Aged About 35 Years R/o Village
Khairjithi, Police Station, And Tahsil Magarlod, District Dhamtari
CG.

----Applicant**Vs**

State Of Chhattisgarh Through: Police Station Magarload, District
Dhamtari (Chhattisgarh).

---- Respondent**And**

MCRC No. 4257 Of 2017

Rameshwar Dhruv S/o Lakhan Druve, Aged About 30 Years
Caste Gond, R/o Village Kokdi, Police Station & Tahsil
Gariyaband, District Gariyaband, Chhattisgarh.

----Applicant**Vs**

The State Of Chhattisgarh Through Station House Officer, Police
Station Magarload, District Dhamtari, Chhattisgarh.

---- Respondent

For applicants in MCRC No. 3451/2017 and 3467/2017 :-

Mr. B.L. Sahu, Adv.

For applicants in MCRC No. 4003/2017, 2022/2017, 4257/2017 :-

Mr. P.P. Sahu, Adv.

For Respondent/State :-

Mr. Neeraj Jain, Govt. Adv.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order On Board**10-7-2017**

1. As all the above MCRCs arise out of the same crime number and incident hence they are being disposed of by this common order.
2. At the outset, learned counsel for the applicants would submit that there are total six accused in the matter. Remaining sixth accused Ashwani Netam has been granted bail by the coordinate bench of this Court in MCRC No. 2089/2017 vide order dated 25-5-2017.
3. Heard finally.
4. The applicants have preferred these applications for grant of bail as they are arrested on 27-2-2017 in connection with Crime No. 33/2017 registered in PS Magarload, Distt. Dhamtari (CG) for offence punishable under Section 395, 170 read with Section 34 of the Indian Penal Code, 1860.
5. Learned counsel for the applicants submits that after

investigation, police has filed charge sheet which is registered as Criminal Case No. 301/2017 before the JMFC, Kurud, Distt. Dhamtari and thereafter same is committed and presently pending before the Additional Sessions Judge, Dhamtari as ST No. 26/2017. All the applicants have no criminal antecedent. Case of all the five applicants is similar to that of co-accused Ashwani Netam who has been granted bail by the coordinate bench. As per allegation, in the course of dacoity and in personating as Mining Inspector, the article looted was Rs. 1,000/- cash, one mobile set from the complainant and Rs. 2,400/- from witness Durgesh Yadav. They will not commit any offence in future. Trial may take some time. Hence they may be enlarged on bail.

6. Per contra, learned counsel for the State opposes the arguments advanced on behalf of the applicants on the basis of the act committed by them and also in addition, the applicant Jivan Jadu has a criminal past as Crime No. 139/2015, under Section 147, 148, 294 and 323 of the IPC has been registered against him.
7. Perused the entire material.
8. As all the applicants are in jail since 4 months and 13 days, charge sheet has been filed, the matter is presently pending before the Court of Sessions, trial may take some time, accused Ashwani Netam was granted bail by the coordinate bench, case of present applicants is similar to that of co-accused Ashwani Netam, though earlier a case has been registered against applicant Jivan Yadu but considering the entirety of the matter, I am inclined to grant one opportunity to the applicants to live

peacefully in the society without committing any crime. Consequently, instant MCRCs are allowed. The applicants are directed to be released on bail on each of them furnishing a personal bond in the sum of Rs. 50,000/- with solvent sureties each of Rs. 25,000/- to the satisfaction of the trial Court/Additional Sessions Judge, Dhamtari for their appearance before the said trial Court till disposal of the trial regularly as and when directed by the said Court.

9. It is made clear that this order granting bail to the applicants shall stand cancelled automatically without reference to the bench by the Court below if (i) the trial Court finds that the applicants suppressed filing or pendency of any other application for grant of bail before this court or the Hon'ble Apex Court intentionally, (ii) the applicants do not cooperate in the trial; (iii) the applicants are found to be involved in any offence of the like nature: (iv) the trial Court finds that the applicants remain absent without any sufficient and cogent reason. If bail is cancelled automatically in view of above, the Court below may proceed further under the provisions of law under intimation.

10. Copy of the order be placed in the file of MCRC No. 3467/2017, MCRC No. 4003/2017, MCRC No. 4022/2017 and MCRC No. 4257/2017.

11. CC as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge