

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4513 of 2017

- Durgesh Kumar S/o Shri Ramadhar Yadav, Aged About 39 Years, R/o Village Sothi, Thana Sakti, Tehsil Sakti, District Janjgir Champa, Chhattisgarh.
- Suresh Kumar S/o Shri Seluram Yadav, Aged About 41 Years, R/o Village Jharadih, Thana Kharsiya, Tehsil Kharasiya, Distt. Raigarh Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through Police Station Baradwar, District Janjgir Champa Chhattisgarh.

---- Non-applicant

And

MCRC No. 5102 of 2017

- Santosh Kumar Chaturvedi S/o Bhagwandin, Aged About 32 Years, Caste Satnami, R/o Village Jharadih, P.S. Kharsiya, District Raigarh, Chhattisgarh

---- Applicant

Vs

- State Of Chhattisgarh Through Thana In Charge, Police Station Baradwar, District Janjgir-Champa, Chhattisgarh

---- Non-applicant

For Applicant(s) – Shri Sanjay Agrawal, Advocate (in MCRC No.4513/2017),
Shri Arun Kochar, Advocate (in MCRC No.5102/2017).
For Non-applicant/State – Shri Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

31-10-2017

1. As both the matters arise out of the same crime number, i.e., Crime No.78/2017 registered at Police Station Baradwar, District Janjgir-Champa, C.G. for the offence under Section 457, 380, 34 of the IPC pending before the JMFC Sakti, Distt. Janjgir-Champa, C.G. as Criminal Case No.288/17, they are being decided by this common order.
2. Heard on both the applications filed under Section 439 of the Cr.P.C. These are first bail application before this Court by the applicants. It is submitted that the applicants have been falsely implicated in this case. There is no evidence against the applicants identifying them as culprits in this case. The recovery of money from the applicants itself is not a proof, as the money in the

shape of currency is not identified. Further, no TIP was conducted of the applicants. The applicants Durgesh Kumar and Suresh Kumar are in jail since 31 March, 2017 and applicant Santosh Kumar Chaturvedi is in jail since 10-05-2017. After filing of the charge sheet trial is commenced, but conclusion of the trial is likely to take some time. Hence, it is prayed that the applicants may be enlarged on bail.

3. Learned counsel for the State/non-applicant opposes the applications and submission made in this respect. It is submitted that the property of theft of currency notes have been recovered from the applicants which is clear proof against them in respect to the charge of offence of theft. Hence, the applicants are not entitled for grant of bail.

4. Heard learned counsel for both the parties and perused the case diary.

5. Considering on the submissions made and the contents of the case diary and looking to the facts that no TIP has been conducted in the investigation, there is no evidence of any CCTV footage and further that although recovery of currency notes from the applicant is unaccountable, but there are circumstances which need consideration, considering the facts and circumstances of this case, I am of this view that this is a fit case where the applicants should be enlarged on bail.

6. Consequently, both the applications (MCRC No.4513/2017 and MCRC No.5102/2017) filed under Section 439 of the Cr.P.C. by the applicants are hereby allowed. It is directed that the applicants shall be released on bail on each of them 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.

7. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge