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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4205 of 2017**

Mohd. Saddam S/o Mohd. Hanif Aged About 23 Years Caste- Muslim,
R/o Village- Joradol, Chhotkipara, Police Station- Pathalgaon, District-
Jashpur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station-
Pathalgaon, District- Jashpur, Chhattisgarh.

---- Respondent**And****M.Cr.C. No. 4207 Of 2017**

Mohd. Saddam S/o Mohd. Hanif, Aged About 23 Years Caste Muslim,
R/o Village- Joradol, Chhotkipara, Police Station, Pathalgaon, District
Jashpur, Chhattisgarh.

---- Applicant**Vs**

State Of Chhattisgarh Through Station House Officer, Police Station-
Bagbahar, District- Jashpur, Chhattisgarh.

---- Respondent**And****M.Cr.C. No. 4304 Of 2017**

Mohd. Saddam S/o Mohd. Hanif, Aged About 23 Years Caste Muslim,
R/o Village Joradol, Chhotkipara, Police Station Patthalgaon, District
Jashpur Chhattisgarh

---- Applicant**Vs**

State Of Chhattisgarh Through Station House Officer, Police Station
Patthalgaon, District Jashpur Chhattisgarh

---- Respondent**And****M.Cr.C. No. 4246 Of 2017**

Mohd. Saddam S/o Mohd. Hanif, Aged About 23 Years Caste Muslim,
R/o Village Joradol, Chhotkipara, Police Station Pathhalgaon, District
Jashpur Chhattisgarh

---- Applicant**Vs**

State Of Chhattisgarh Through Station House Officer Police Station
Bagbahar, District Jashpur Chhattisgarh

---- Respondent

And

M.Cr.C. No. 4552 Of 2017

Santosh Maheshwari S/o Kartik Maheshwari Aged About 22 Years
Caste Satnami, R/o Village Godhikala, Police Station Patthalgaon,
District Jashpur Chhattisgarh.

---- Applicant

Vs

State Of Chhattisgarh Through Station House Officer, Police Station
Bagbahar, District Jashpur Chhattisgarh.

---- Respondent

And

M.Cr.C. No. 4568 Of 2017

Santosh Maheshwari S/o Kartik Maheshwari, Aged About 22 Years
Caste Satnami, R/o Village Godhikala, Police Station Patthalgaon,
District Jashpur Chhattisgarh.

---- Applicant

Vs

State Of Chhattisgarh Through Station House Officer, Police Station
Patthalgaon, District Jashpur, Chhattisgarh.

---- Respondent

And

M.Cr.C. No. 4560 Of 2017

Santosh Maheshwari S/o Kartik Maheshwari, Aged About 22 Years
Caste- Satnami, R/o Village Godhikala Police Station - Patthalgaon,
District- Jashpur, Chhattisgarh.

---- Applicant

Vs

State Of Chhattisgarh Through: Station House Officer, Police Station -
Patthalgaon, District- Jashpur, Chhattisgarh.

---- Respondent

And

M.Cr.C. No. 4567 Of 2017

Santosh Maheshwari S/o Kartik Maheshwari Aged About 22 Years
Caste Satnami, R/o Village Godhikala, Police Station Patthalgaon,
District Jashpur Chhattisgarh.

---- Applicant

Vs

State Of Chhattisgarh Through Station House Officer, Police Station
Bagbahar, District Jashpur Chhattisgarh.

---- Respondent

And

M.Cr.C. No. 6368 Of 2017

Sachin Agrawal S/o Vedprakash Agrawal, Aged About 27 Years Caste Agrawal, R/o Village Pathalgaon, Thana Pathalgaon, District Jashpur, Chhattisgarh

---- Applicant

Vs

State Of Chhattisgarh Through Thana Pathalgaon, District Jashpur, Chhattisgarh

---- Respondent

And

M.Cr.C. No. 6462 Of 2017

Sachin Agrawal S/o Vedprakash Agrawal, Aged About 27 Years Caste Agrawal R/o Village Pathalgaon, Thana Pathalgaon, District Jashpur Chhattisgarh

---- Applicant

Vs

State Of Chhattisgarh Through Thana Bagbahar, District Jashpur Chhattisgarh

---- Respondent

And

M.Cr.C. No. 6377 Of 2017

Sachin Agrawal S/o Vedprakash Agrawal, Aged About 27 Years Caste Agrawal, R/o Village Pathalgaon, Thana Pathalgaon, District Jashpur, Chhattisgarh

---- Applicant

Vs

State Of Chhattisgarh Through Thana Pathalgaon, District Jashpur, Chhattisgarh

---- Respondent

And

M.Cr.C. No. 6461 Of 2017

Sachin Agrawal S/o Vedprakash Agrawal Aged About 27 Years Caste - Agrawal R/o Village Pathalgaon, Thana Pathalgaon District Jashpur Chhattisgarh

---- Applicant

Vs

State Of Chhattisgarh Through Thana Pathalgaon, District Jashpur Chhattisgarh

---- Respondent

For the Applicants : Shri J.K. Saxena and Shri Sanjay
Agrawal, Advocates.
For the Respondent/State : Shri Neeraj Jain, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

ORDER

27.11.2017

Heard.

1. The first bail applications of applicant - Sachin Agrawal in M.Cr.C. Nos. 6368 of 2017, 6377 of 2017, 6461 of 2017 and 6462 of 2017 were dismissed as withdrawn.
2. First bail applications of applicants – Mohd. Saddam and Santosh Maheshwari and second bail application of applicant – Sachin Agrawal are being decided by this common order as they arise from the same incident. These are the first and second bail applications of the applicants filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to them who have been arrested in connection with Crime Nos.22 of 2017 and 24 of 2017 in M.Cr.C. Nos. 4205 of 2017, 4560 of 2017, 6377 of 2017, 6368 of 2017, 4304 of 2017 and 4568 of 2017 registered at Police Station – Patthalgaon, District – Jashpur, Chhattisgarh and in connection with Crime Nos.21 of 2017 and 4 of 2017 in M.Cr.C. Nos. 6462 of 2017, 4207 of 2017, 4567 of 2017, 4552 of 2017, 4246 of 2017 and 6461 of 2017 registered at Police Station – Bagbahar, District – Jashpur, Chhattisgarh for the offence punishable under Sections 457, 380, 411, 120-B and 201/ 34 of the Indian Penal Code. As the applicants are accused in all these cases and the crime numbers which have been registered having similar offence, all the cases are being decided by the common order.

3. Learned counsel for the applicants submit that the applicants are innocent and they have been falsely implicated in this case. The applicants are in jail since 13.2.2017. The value of articles of theft in Crime No. 24 of 2017 is Rs.8,975/-, in Crime No. 22 of 2017 is Rs.16,169/-, in Crime No. 21 of 2017 is Rs.8,341/- and in Crime No.4 of 2017 is Rs.10,700/- only. All the cases are triable by the Judicial Magistrate First Class and all the applicants are ready to abide by all the conditions that may be imposed on them. Hence, it is prayed that the applicants be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail applications and the arguments submitted in this respect. It is submitted that applicant – Sachin Agrawal had been the master mind in this case and he was the owner of the vehicle that was lent by him to the other accused persons – Mohd. Saddam and Santosh Maheshwari for committing theft in various fair price shops running under the Public Distribution Scheme of the State. After the commission of theft in the various shops, some of the articles of theft i.e. rice, wheat, sugar etc. were purchased by applicant – Sachin Agrawal for which there is evidence on record. Hence, for these reasons, none of the applicants deserve to be enlarged on bail.

5. Heard counsel for both the parties and perused the case diary.

6. The facts of the case are that a number of incidents of theft took place in fair price shops by unknown persons. In Crime No. 4 of 2017 i.e. the fair price shop run by Gram Panchayat, Bandhanpur the articles of theft are 79 bags of rice, 5 bags of grams and 12 bags of wheat, in Crime No. 21 of 2017 i.e. the fair price shop run by Gram Panchayat, Dumarbahar the

articles of theft are 70 bags of rice and 60 bags of sugar, in Crime No. 24 of 2017 i.e. the fair price shop run by Gram Panchayat, Bahnatanger the articles of theft are 11 quintals of gram, 2 bags of rice and 5 bags of sugar and in Crime No.22 of 2017 i.e. the fair price shop run by Gram Panchayat, Pagsuwan the articles of theft are 55 bags of rice and 20 bags of sugar. After lodging of FIR, all these cases have been investigated and the charge-sheet has been filed.

7. Considering the submissions and the contents of the case diary, and looking to the fact that the applicants are local residents and there is no likelihood of their absconding, the trial of the case against the applicants is likely to take some time for its final disposal and also taking into consideration the nature of the offence committed, I am of the considered view that the applicants in all the cases are entitled for grant of bail.

8. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed.

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

Sd/-

(Rajendra Chandra Singh Samant)
Judge