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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5708 of 2017**

Durgesh Singh S/o Ashok Singh Aged About 20 Years R/o Gogaon Bazaar Sahupara, Police Station Gudhiyari District Raipur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The District Magistrate Durg, District Durg Chhattisgarh.

---- Respondent**And****M.Cr.C. No. 6054 Of 2017**

Kamaldas Kurre S/o Shri Hirou Kurre, Aged About 32 Years R/o Raipur Godwara, New Talab, Raipur, District Raipur, Chhattisgarh.

---- Applicant**Vs**

State Of Chhattisgarh Through Station House Officer, Pulgaon, District Durg, Chhattisgarh.

---- Respondent**And****M.Cr.C(A) No. 825 Of 2017**

Lallan Prasad Sahu S/o Shri Amrit Lal Sahu, Aged About 45 Years R/o 53, Bharat Mata Nagar, Near Jangle Floor Mill, Hudkekshwar Road Nagpur Maharashtra.

---- Applicant**Vs**

State Of Chhattisgarh Through Station House Officer, Police Chowki, Anjora, Police Station Pulgaon, District Durg Chhattisgarh.

---- Respondent**And****M.Cr.C. No. 6284 Of 2017**

Gaindlal @ Raj Kumar S/o Panchuram Aged About 27 Years R/o Ward No. 14 Police Station Newra Biladi Raipur District Raipur Chhattisgarh.

---- Applicant**Vs**

State Of Chhattisgarh Through The District Magistrate Durg District Durg Chhattisgarh.

---- Respondent**And**

M.Cr.C. No. 6179 Of 2017

1. Arun Sinha S/o Nandlal Sinha, Aged About 28 Years R/o Village Urkura, P. S. Khamtarai, District Raipur Chhattisgarh.
2. Buddh Singh, S/o Itwari Singh, Aged About 35 Years R/o Bajrangnagar, P. S. Sarora, District Raipur Chhattisgarh.

---- Applicants**Vs**

State Of Chhattisgarh Through The District Magistrate Durg, District Durg Chhattisgarh.

---- Respondent

For the Applicants	:	Shri Gurudev I. Sharan, Shri Yogesh Pandey and Shri Sanjay Kumar Agrawal, Advocates.
For the Respondent/State	:	Shri O.P. Sahu, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****06.11.2017**

1. Heard.
2. All these applications are being decided by this common order as they arise from the similar incident. M.Cr.C. Nos. 5708 of 2017, 6054 of 2017, 6284 of 2017 and 6179 of 2017 filed under Section 439 of the Code of Criminal Procedure, 1973 are the first bail applications filed by the applicants for grant of regular bail to them, who have been arrested in connection with Crime No. 269 of 2017, registered at Police Station – Pulgaon, District – Drug, Chhattisgarh for the offences punishable under Sections 379, 411, 413/ 34 of the Indian Penal Code. M.Cr.C.(A) No. 825 of 2017 is the first application under Section 438 of Cr.P.C. filed by the applicant for grant of anticipatory bail, who is apprehending arrest in connection with the aforesaid offence. Charge-sheet has been filed and Criminal Case No. 6395 of 2017 is pending before the Judicial Magistrate First Class, Durg.

3. Learned counsel for the applicants submit that the applicants have been falsely implicated in this case. As per the allegation in the prosecution case, bundles of copper wire worth Rs.48,000/- were stolen. No article has been seized from the possession of applicants - Durgesh Singh, Kamaldas Kurre, Gairdlal @ Raj Kumar, Arun Sinha and Buddh Singh. The only seizure made from these applicants is some currency notes, which is of no consequence. It is submitted on behalf of applicant - Lallan Prasad Sahu in M.Cr.C.(A) No.825 of 2017 that no role can be attributed to him in this case as he is a scrap merchant and it is alleged that the other accused persons in this case, had been on their way to sell out the articles of theft to applicant – Lallan Prasad Sahu when they were arrested. It is also submitted that in the FIR the articles were shown to be of Rs.48,000/- whereas the articles seized were worth more than Rs.1,75,000/-. Hence, for these reasons, the applicants are entitled for grant of 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 on the basis of the memorandum statements of the applicants, they are habitual offenders and they had been involved in the commission of series of such offences. Hence, for these reasons, none of the applicants deserves to be enlarged on bail.

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

6. Looking to the submissions that the charge-sheet has already been

filed against the applicants in all the cases and looking to the material proposed against the applicants for their prosecution, it appears that applicants in M.Cr.C. Nos. 5708 of 2017, 6054 of 2017, 6284 of 2017 and 6179 of 2017 are entitled for grant of regular bail and applicant in M.Cr.C(A) No. 825 of 2017 is also entitled for grant of anticipatory bail. Hence, the bail applications are allowed.

7. Accordingly, the bail applications filed under Sections 439 and 438 of the Cr.P.C. are allowed.

8. It is directed that applicants - Durgesh Singh, Kamaldas Kurre, Gaindlal @ Raj Kumar, Arun Sinha and Buddh Singh in M.Cr.C. Nos. 5708 of 2017, 6054 of 2017, 6284 of 2017 and 6179 of 2017 shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

9. It is directed that in the event of arrest of applicant – Lallan Prasad Sahu in M.Cr.C.(A) No. 825 of 2017 in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :

- (i) that the applicant shall make himself available for interrogation before the Investigating Officer as and when required;
- (ii) that the applicant shall not, directly or indirectly, make any

inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;

- (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-

(Rajendra Chandra Singh Samant)
Judge