

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7648 of 2017

- Sudhir Mahobe @ Golu S/o Shri Hemlal Mahobe, Aged About 18 Years, R/o South Vasundhara Nagar, Purani Bhilai, Tahsil Patan, Civil And District Durg Chhattisgarh , Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Purani Bhilai, Civil And Revenue District Durg Chhattisgarh, Chhattisgarh

---- Non-applicant

MCRC No. 7730 of 2017

- Prithvi Patel S/o Shri Ramkhilavan Patel, Aged About 21 Years, R/o South Vasundhara Nagar Bhilai 3, Tahsil Patan, District Durg, Chhattisgarh., Chhattisgarh

---- Applicant

Versus

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

---- Non-applicant

For Applicant – Mr. Avinash Chand Sahu, Advocate (in MCRC No.7648/2017),
Mr. P.K.C. Tiwari, Senior Advocate with Shri Ashutosh Trivedi (in MCRC No.7730/2017).
For Non-applicant/State – Ms. Smita Ghai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

12-02-2018

1. As both these MCRC arise out of the same crime number, they are being decided by this common order.
2. Heard on the applications filed under Section 439 of the Cr.P.C. These are first bail application before this Court by the applicants for regular bail. They have been arrested on 24-09-2017 in connection with Crime No.278/2017 registered at P.S. Purani Bhilai, District Durg, C.G. for the offence under Section 457, 380, 34 of the IPC.
3. It is submitted on behalf of the applicants that the applicants have been

falsely implicated in this case. No case is not made out against them on the basis of material placed in the charge sheet before the concerned court. The articles seized from both the applicants have not been identified and there is no connection of the seized articles with the articles of theft in this case. Further, it is submitted that the case is triable by the JMFC and the applicants are in jail since 24-09-2017. Both the applicants are local residents of District Durg and they are ready to abide by all the conditions imposed on grant of bail. Hence, it is prayed that they may be granted regular bail.

4. Learned counsel for the State/non-applicant opposes the applications and submission made. It is submitted that both the applicants have criminal history of having two similar criminal cases against them. Hence, they are not entitled for grant of bail.

5. In reply, learned counsel for the applicants submits that in both the previous cases against them, both the applicants have been benefited with grant of bail by the trial court itself. Hence, they may be granted bail.

6. Heard learned counsel for the parties and perused the case diary.

7. Complainant Mukesh Chaturvedani has lodged the FIR in P.S. Purani Bhilai, Distt. Durg stating that his household articles were stolen by some unknown thieves. After lodging of the FIR, some of the articles have been recovered from the possession of these applicants. Hence, this case.

8. Considered on the submissions made and the contents of the case diary.

9. After consideration on the submissions made and contents of the case diary and further looking to the facts that the case is triable by JMFC, both the applicants are local residents of District Durg, likelihood of their absconding is remote, I am of this view that the applicants deserve to be granted regular bail during pendency of the trial against them.

10. Consequently, both these applications (MCRC No.7648/2017 and MCRC No.7730/2017) 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 Court, for their appearance as and when directed.

11. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge