

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 835 of 2018

- Shaikh Husainnuddin @ Saddam Shaikh S/o Shaikh Shamim Aged About 27 Years R/o Village Mandi Chowk, Subhash Nager, Takhatpur, P.S. And Tahsil Takharpur District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through S.H.O. Takhatpur, P.S. And Tahsil Takhatpur, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Respondent

MCRC No. 889 of 2018

- Sanjay Soni @ Sanju S/o Shiv Kumar Soni, Aged About 24 Years R/o Village Dhobipara, Takhatpur, P.S. And Tahsil Takhatpur District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through S.H.O. Takhatpur P.S. And Tahsil Takhatpur District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Respondent

MCRC No. 899 of 2018

- Ramesh Dhuri S/o Santosh Dhuri, Aged About 21 Years R/o Village Surighat Near New Mandi, Takhatpur, P.S. And Tahsil Takhatpur District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through S.H.O. Takhatpur, P.S. And Tahsil Takhatpur District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Respondent

For Applicants : Mr. Goutam Khetrapal, Advocates.

For Respondent : Mr. N.K. Mehta, Penal Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

05/03/2018

1. The matter is heard out of turn on the ground that applicant Shaikh Hussainnuddin in MCRC No.835/2018 and applicant Ramesh Dhuri in MCRC No.899/2018 are students of class-10th and 12th respectively. They are registered students of CG Rajya Open School Pension Bada, Raipur, and their annual examination is scheduled to be held on 28.3.2018. Copy of admit card has been also attached with the application along with examination schedule. Hence, MCRC No.835/2018 and 899/2018 are taken up out of turn and the MCRC No.889/2018 being a connected matter is also heard simultaneously.
2. Since all the bail applications arise out of the same crime number, they are being disposed of by this common order.
3. The above bail applications are applicant's first bail applications filed under Section 439 of the Code of Criminal Procedure, for grant of regular bail to the applicants who have been arrested in connection with Crime No. 22/2018, registered at Police Station- Takhatpur,

District Bilaspur(C.G.) for the offence punishable under Sections 457 & 380 of Indian Penal Code (for short 'IPC').

4. Learned counsel for the applicants submits that applicants are innocent and have been falsely implicated in the crime in question. No case is made out on basis of material present in the charge-sheet. Applicants are in jail since 10.1.2018 and they are ready to abide by all the conditions and directions, which may be imposed while granting bail to them. Hence, it is prayed that applicants be enlarged on regular bail.
5. Learned counsel for the respondent/State opposes the applications and submissions made in this respect. It is submitted that there is clear evidence against all the applicants and they are not entitled for grant of bail.
6. Heard both the parties and perused the case diary.
7. Complainant Shiv Kumar Soni lodged FIR on 10.1.2018 stating that some unknown persons have by forcing entry into his house have stolen jewelery of gold and silver worth Rs.3,86,200/-. During investigation, applicant Ramesh Dhuri was apprehended and interrogated. At his instance, entire stolen property was recovered from his possession and according to his statement all the stolen property was given to him by the other applicants and other co-accused persons. Hence, this case.
8. Considered all the material present in the case diary and looking to this fact that the case is triable by JMFC and all the applicants are residents of Takhatpur District- Bilaspur. No purpose would be served if the applicants are kept in detention till the conclusion of trial, hence, it is a fit case for grant of bail.

9. Accordingly, all the bail applications filed under Section 439 of Cr.P.C. are allowed. It is directed that both the applicants shall be released on bail on their furnishing a personal bond for a sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the trial Court concerned, for their appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)

Judge

Nisha