

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 909 of 2018

Aayush Rathore S/o Devcharan Rathore, Aged About 21 Years R/o Purani Basti Kharsiya, P.S. And Tahsil Kharsiya District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through S.H.O. P.S. Bhupdevpur, District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

---- Respondent

MCRC No. 1076 of 2018

1. Arun Rathore @ Chhotu S/o Khilawan Rathore Aged About 30 Years Occupation Student R/o Purani Basti, Kharsiya P. S. And Tahsil Kharsiya, Distt. Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh
2. Somesh Singh Rathore S/o Bhisham Singh Rathore Aged About 21 Years Occupation Service R/o Purani Basti, Kharsiya, P. S. And Tahsil Kharsiya, Distt. Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through Station House Officer, Police Station P. S. Bhupdevpur, Distt. Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

---- Respondent

For Respective Applicants :	Shri H.V. Sharma and Shri R.S. Patel, Advocates
For Respondent/State :	Shri Chandresh Shrivastava, Panel Lawyer

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

06/04/2018

Heard.

1. MCRC No.909 and MCRC No.1076 of 2018 are being decided by this common

order as the applicants in these applications have been arrested in connection with Crime No.215 of 2017 registered in Police Station- Bhupdevpur District- Raigarh for the alleged commission of offence under Sections 394 read with Section 34 IPC.

2. Case of the prosecution, in brief, is that the applicants and another co-accused, four in number, committed robbery in which they looted cash of Rs.66,000/- and one mobile from victim- Ramcharan Koshale.
3. Learned counsel for the applicants submits that the applicants have been involved on a false case only on suspicion. Learned counsel submit that during trial, number of prosecution witnesses including the victim as well as the seizure witnesses of alleged seizure of cash and mobile have been examined and they have not supported the case of the prosecution, turned hostile. Therefore, in the absence of cogent evidence of identification and seizure of alleged looted articles, at this stage, the applicants may be granted bail.
4. On the other hand, learned counsel for the State submits that though some of the prosecution witnesses have been examined, there are many other witnesses who are yet to be examined and looking to the nature and gravity of allegation, the applicants are not entitled to grant of bail.
5. Having considered the submissions made by learned counsel for the parties, particularly taking into consideration the submission that the victim Ramcharan Koshale has not identified the applicants during trial nor involved them in the alleged commission of offence and further taking into consideration that seizure witnesses namely Banshilal Rathiya (P.W.6) and Hulas Ram (P.W.7) have not supported the prosecution case of seizure of currency notes and mobile from the present applicants, I am inclined to allow the applications.
6. The applications are accordingly 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/- along with two local sureties for the like amount to the satisfaction of the concerned trial Court with following further conditions:

(i) The applicants shall not act in any manner which will be prejudicial

to fair and expeditious trial; and

- (ii) The applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Praveen