

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1092 of 2018

- Shashiranjana Azad @ Arun Sharma S/o Shri Kameshwar Sharma Aged About 33 Years R/o Birla Colony, Police Station Phulwarisharif, District- Patna, Bihar, District : Patna, Bihar

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station (Sadar) Ambikapur, District- Surguja, Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

---- Respondent

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MCRC No. 1139 of 2018

- Madan Mahto @ Vijay Kumar S/o Shri Shivnarayan Mahto Aged About 53 Years R/o Buljar Bag Alamganj Police Station Alamganj District Patna Bihar, District : Patna, Bihar

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Ambikapur District Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

---- Respondent

For Applicant : Mr. S.C. Verma, Advocate
For Respondent : Mrs. Smita Ghai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

04/05/2018

1. Since the above bail applications arise out of the same crime number, they are being disposed of by this common order.
2. Both these applications filed under Section 439 of the Code of Criminal

Procedure, 1973 are second bail applications on behalf of the applicants for grant of regular bail to them as they are in custody in connection with Crime No.840/2016 registered at Police Station-Sadar, Ambikapur, District – Surguja(C.G.) for the offence punishable under Sections 457, 380 & 411/34 of Indian Penal Code (for short 'IPC').

3. Learned counsel for the applicants submits that applicants are innocent and have been falsely implicated in this case. They are in jail since 23.12.2016. The material contained in the charge sheet against the present applicants, if taken to be true, the same do not make out any offence at all against them. The case is triable by the Judicial Magistrate 1st Class. The trial against them is still not concluded. Hence, it is prayed that they may be released on regular bail.
4. Learned counsel for the respondent/State opposes the applications and submissions made in this respect. It is submitted that both the applicants are residents of other State and the allegations against them are very serious in nature. Hence, they are not entitled for grant of regular bail.
5. Heard both the parties and perused the case diary.
6. According to the FIR lodged, a theft was committed in Gramin Bank Branch-Mahamaya Chowk, Ambikapur, in which some unknown persons have broken various lockers with the help of gas-cutter and the valuables kept in the lockers were stolen. During investigation, the applicant and other co-accused persons were apprehended and interrogated and on the basis of memorandum statements given by these applicants, some recovery has been effected at their instance.

7. The aspect of contradictions and improvements are required to be decided on marshaling of evidence during trial and cannot be considered at this stage.
8. At the stage of deciding question of releasing or not releasing an accused on bail, marshaling of evidence is not required and this aspect is to be dealt with by the trial Court during trial. However, looking to the allegations leveled against the applicants, which are serious in nature, I am not inclined to grant regular bail of both the applicants.
9. Accordingly, the bail applications filed under Section 439 of Cr.P.C. are rejected.

Sd/-
(Rajendra Chandra Singh Samant)
Judge