

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 1299 of 2018**

Atul Kesharwani, S/o. Ramlakhan Kesharwani, Aged About 26 Years, R/o.- Village Govindpur, P.S. Shivpuri District-Allahabad (U.P.). Present Address Pacharighat Kilaward Juna Bilaspur P.S. City Kotwali Tahsil and District Bilaspur, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through- The Police Station Civil Line, District-Bilaspur, Chhattisgarh.

---- Respondent

AND**M.CR.C. No. 2593 of 2018**

Lalu Yadav @ Golu, S/o. Santosh Yadav, Aged About 20 Years, R/o. Village Kamata, P.S. Navagarh, District Bemetara, Chhattisgarh. Present Address Bandhawapara Sarkanda, District Bilaspur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through- The Police Station -Civil Line, District-Bilaspur, Chhattisgarh.

---- Respondent

For Applicants	: Mr. Dharmesh Shrivastava, Advocate
For State/respondent	: Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****19/04/2018**

- Both the bail applications are heard and decided together by this common order as they are arising out of the same crime number and the incident.

2. These are the first bail applications filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants, who have been arrested in connection with Crime No.538/2017, registered at Police Station – Civil Line, District – Bilaspur (C.G.), for the offence punishable under Section 380, 457, 411/34 of the Indian Penal Code.
3. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case. Applicants are in jail since 10.10.2017. Charge-sheet in this case has been filed and the trial is pending before the Court of J.M.F.C.. As the trial is likely to take sometime for its conclusion and no purpose would be served, if the, applicants are kept in detention till the conclusion of trial, therefore, it is prayed that they may be enlarged on regular bail.
4. On the other hand, learned counsel for the State opposes the bail applications and the submission made in this respect. It is submitted that the applicants have criminal antecedents having four other cases of similar nature, hence, they may not be released on bail.
5. In reply counsel for the applicants submits that both the applicants have granted bail in two cases against them by the trial Court itself and in one of case applicant – Atul Kesharwani has been granted bail in M.Cr.C. 1325/2018 vide order dated 22.03.2018 and the application of applicant – Lalu Yadav is pending for hearing before this Court, hence, the applicants are entitled for grant of bail.
6. I have heard the learned counsel for both the parties and perused the case diary.

7. According to the prosecution case, a theft was committed by the unknown person in the house of complainant – Banjari Ram Baghel on 15.07.2017 and cash of Rs.5,000/- and gold locket of weight 5 grams were stolen. After lodging of FIR during the investigation on the memorandum statement of applicant Lalu @ Golu and applicant Atul Kesharwani, the articles of theft have been recovered from the possession of the co-accused Ankur Verma. Hence this case.
8. Considered on the submissions made and the contents of the case diary. After due consideration and after perusal of the case diary, it appears that case is triable by JMFC and trial is pending and no purpose would be served, if the, applicants are kept in detention throughout, hence for this reason, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
9. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed.
10. It is directed that applicants shall be released on bail on their 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge