

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 1981 of 2018**

1. Govind, S/o. Purandhar Uriya, Aged About 43 Years, R/o.- Tata Line-Camp- 2 Bhilai, Tahsil And District- Durg, Chhattisgarh.
2. Sonu Thakur, S/o. Tulsi Thakur, Aged About 29 Years, R/o.- Ward No. 13, Rajeev Nagar Supela, Police Station -Supela, Bhilai Tahsil and District- Durg, Chhattisgarh.
3. Md. Salim, S/o. Gaffar, Aged About 29 Years, R/o.- Soniya Gandhi Nagar, Khursipar, Bhilai, Police Station- Khursipar, Tahsil and District- Durg, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through- It's Police Station -Patan Civil and Revenue District- Durg, Chhattisgarh.

---- Respondent

M.CR.C. No. 1988 of 2018

Govind Uriya, S/o. Dhurandhar Uriya, Aged About 48 Years, R/o- Present Halting Place- Tata Line Camp-2 Bhilai Police- Station Chawani, District- Durg, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through It's Police Station Jamul, Civil and Revenue District- Durg, Chhattisgarh.

---- Respondent

AND**M.CR.C. No. 1991 of 2018**

Govind Uriya, S/o. Dhurandhar Uriya, Aged About 48 Years, R/o- Present Halting Place- Tata Line Camp-2 Bhilai Police- Station Chawani, District- Durg, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through It's Police Station Jamul, Civil and Revenue District- Durg, Chhattisgarh.

---- Respondent

For Applicants	: Mr. Ravi Maheshwari, Advocate
For State/respondent	: Ms. K. Tripti Rao, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board**

01/05/2018

1. All the bail applications are heard and decided together by this common order as they are arising out of the similar type of offence committed by the applicants.
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.65/2017, registered at Police Station – Patan, Crime No. 364/2017, registered at Police Station Jamul, and in connection with Crime No.312/2017, registered at Police Station – Jamul District – Durg (C.G.) respectively, for the offence punishable under Section 457, 380, 411 read with Section 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 02.08.2017 and 27.07.2017 respectively. No case is made out against the applicants on the basis of the material present in the charge-sheet and the trial against them is likely to take sometime for its conclusion. Hence, it is prayed that the applicants may be enlarged on 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 applicant No.1 appears to be habitual offender as three offences have been registered against him of similar nature, hence, no case is made out for grant of bail.
5. I have heard the learned counsel for both the parties and perused the case diary.

6. The case of the prosecution case in brief are that :-

(I) In Crime No.65/2017 (M.Cr.C. No.1981/2018), a theft was committed by unknown persons in government fair price shop at Village Sonpur and some ration articles were stolen.

(II) A similar offence was committed alleging that in Nav Jagriti Mahila Swa Sahayata Samooh, Nardha, ration articles were stolen by the unknown persons, for which Crime No.364/2017 (M.Cr.C. No.1988/2018 was registered.

(III) Another similar crime was committed alleging that in Maa Khallari Swayat Prathmik Upbhokta Bhandar, Mudpar ration articles were stolen for which Crime No.312/2017 (in M.Cr.C. No.1991) was registered against unknown person.

7. Considered on the submissions made and the contents of the case diary. During the investigation at the instance of the applicants, some ration articles have been recovered and seized and the stolen articles have been identified. Applicants – Sonu Thakur and Mohd. Salim had been granted bail in connection with Crime No.364/2017 and Crime No. 312/2017 by this Court. Looking to this fact that earlier the applicant No.2 and 3 (in M.Cr.C. No.1981/2018) have been granted bail and this is a similar case and further the case against the applicants are triable by Judicial Magistrate First Class and the trial of the case is likely to take sometime for its conclusion, 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.

8. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed.

9. 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 each 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

Balram