

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3424 of 2018

1. Chandrika Yadav S/o Gopnath Yadav, Aged About 40 Years, Caste- Gayar, R/o- Village- Kunjara, Tahsil- Kunkuri, Police Station- Kunkuri, District- Jashpur, Chhattisgarh., District : Jashpur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Kunkuri, District- Jashpur, Chhattisgarh., District : Jashpur, Chhattisgarh

---- Non-applicant

MCRC No. 3429 of 2018

1. Chandrika Yadav S/o Gopnath Yadav, Aged About 40 Years, Caste – Gayar, R/o- Village- Kunjara, Tahsil- Kunkuri, Police Station- Kunkuri, District- Jashpur, Chhattisgarh., District : Jashpur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Kunkuri, District- Jashpur, Chhattisgarh., District : Jashpur, Chhattisgarh

---- Non-applicant

MCRC No. 3430 of 2018

1. Chandrika Yadav S/o Gopnath Yadav, Aged About 40 Years, Caste- Gayar, R/o- Village- Kunjara, Tahsil- Kunkuri, Police Station- Kunkuri, District- Jashpur, Chhattisgarh., District : Jashpur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Kunkuri, District- Jashpur, Chhattisgarh., District : Jashpur, Chhattisgarh

---- Non-applicant

MCRC No. 3431 of 2018

1. Chandrika Yadav S/o Gopnath Yadav, Aged About 40 Years, Caste- Gayar, R/o- Village- Kunjara, Tahsil- Kunkuri, Police Station- Kunkuri, District- Jashpur, Chhattisgarh., District : Jashpur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Kunkuri, District- Jashpur, Chhattisgarh., District : Jashpur, Chhattisgarh

---- Non-applicant

MCRC No. 3433 of 2018

1. Chandrika Yadav S/o Gopnath Yadav, Aged About 40 Years, Caste- Gayar, R/o- Village- Kunjara, Tahsil- Kunkuri, Police Station- Kunkuri, District- Jashpur, Chhattisgarh., District : Jashpur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Kunkuri, District- Jashpur, Chhattisgarh., District : Jashpur, Chhattisgarh

---- Non-applicant

MCRC No. 3435 of 2018

1. Chandrika Yadav S/o Gopnath Yadav, Aged About 40 Years, Caste- Gayar, R/o- Village- Kunjara, Tahsil- Kunkuri, Police Station- Kunkuri, District- Jashpur, Chhattisgarh., District : Jashpur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Kunkuri, District- Jashpur, Chhattisgarh., District : Jashpur, Chhattisgarh

---- Non-applicant

MCRC No. 3436 of 2018

1. Chandrika Yadav S/o Gopnath Yadav, Aged About 40 Years, Caste- Gayar, R/o- Village- Kunjara, Tahsil- Kunkuri, Police Station- Kunkuri, District- Jashpur, Chhattisgarh., District : Jashpur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Kunkuri, District- Jashpur, Chhattisgarh., District : Jashpur, Chhattisgarh

---- Non-applicant

MCRC No. 3823 of 2018

1. Ashok Xalxo S/o Belwa, Aged About 26 Years, By Caste- Uraon, Resident Of Chherdand (Dipatoli), Police Station- Duldula, Tahsil Duldula, District Jashpur, Chhattisgarh., District : Jashpur, Chhattisgarh
2. Kishore Xalxo S/o Belwa Xalxo, Aged About 22 Years, By Caste- Uraon, Resident Of Chherdand (Dipatoli), Police Station- Duldula, Tahsil Duldula, District Jashpur, Chhattisgarh., District : Jashpur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station- Kunkuri, District Jashpur, Chhattisgarh., District : Jashpur, Chhattisgarh

---- Non-applicant

MCRC No. 3836 of 2018

1. Ashok Xalxo S/o Belwa, Aged About 26 Years, By Caste Uraon, Resident Of Chherdand (Dipatoli), Police Station Duldula, Tahsil Duldula, District Jashpur, Chhattisgarh., District : Jashpur, Chhattisgarh
2. Kishore Xalxo S/o Belwa Xalxo, Aged About 22 Years, By Caste Uraon, Resident Of Chherdand (Dipatoli), Police Station Duldula, Tahsil Duldula, District Jashpur, Chhattisgarh., District : Jashpur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station

Kunkuri, District Jashpur, Chhattisgarh., District : Jashpur, Chhattisgarh

----Non-applicant

MCRC No. 3835 of 2018

1. Ashok Xalxo S/o Belwa, Aged About 26 Years, By Caste- Uraon, Resident Of Chherdand (Dipatoli), Police Station Duldula, Tahsil Duldula, District Jashpur, Chhattisgarh., District : Jashpur, Chhattisgarh
2. Kishore Xalxo S/o Belwa Xalxo, Aged About 22 Years, By Caste- Uraon, Resident Of Chherdand (Dipatoli), Police Station Duldula, Tahsil Duldula, District Jashpur, Chhattisgarh., District : Jashpur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station- Kunkuri, District Jashpur, Chhattisgarh., District : Jashpur, Chhattisgarh

----Non-applicant

MCRC No. 4015 of 2018

1. Ashok Xalxo S/o Belwa Xalxo, Aged About 26 Years, By Caste Uraon, R/o Chherdand (Dipatoli), Police Station Duldula, Tahsil Duldula, District Jashpur Chhattisgarh, District : Jashpur, Chhattisgarh
2. Kishor Xalxo S/o Belwa Xalxo, Aged About 22 Years, By Caste Uraon, R/o Chherdand (Dipatoli), Police Station Duldula, Tahsil Duldula, District Jashpur Chhattisgarh, District : Jashpur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Kunkuri, District Jashpur Chhattisgarh, District : Jashpur, Chhattisgarh

----Non-applicant

MCRC No. 4019 of 2018

1. Ashok Xalxo S/o Belwa Xalxo, Aged About 26 Years, By Caste Uraon, R/o Chherdand (Dipatoli), Police Station Duldula, Tahsil Duldula, District Jashpur Chhattisgarh, District : Jashpur, Chhattisgarh
2. Kishor Xalxo S/o Belwa Xalxo, Aged About 22 Years, By Caste Uraon, R/o Chherdand (Dipatoli), Police Station Duldula, Tahsil Duldula, District Jashpur Chhattisgarh, District : Jashpur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Kunkuri, District Jashpur Chhattisgarh, District : Jashpur, Chhattisgarh

----Non-applicant

MCRC No. 4022 of 2018

1. Ashok Xalxo S/o Belwa Xalxo, Aged About 26 Years, By Caste Uraon, R/o Chherdand (Dipatoli), Police Station Duldula, Tahsil Duldula, District Jashpur Chhattisgarh, District : Jashpur, Chhattisgarh
2. Kishor Xalxo S/o Belwa Xalxo, Aged About 22 Years, By Caste Uraon, R/o Chherdand (Dipatoli), Police Station Duldula, Tahsil Duldula, District

Jashpur Chhattisgarh, District : Jashpur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Kunkuri, District Jashpur Chhattisgarh, District : Jashpur, Chhattisgarh

----Non-applicant

MCRC No. 4023 of 2018

1. Ashok Xalxo S/o Belwa Xalxo, Aged About 26 Years, By Caste Uraon, R/o Chherdand (Dipatoli), Police Station Duldula, Tahsil Duldula, District Jashpur Chhattisgarh, District : Jashpur, Chhattisgarh
2. Kishor Xalxo S/o Belwa Xalxo, Aged About 22 Years, By Caste Uraon, R/o Chherdand (Dipatoli), Police Station Duldula, Tahsil Duldula, District Jashpur Chhattisgarh, District : Jashpur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Kunkuri, District Jashpur Chhattisgarh, District : Jashpur, Chhattisgarh

----Non-applicant

For Applicant(s) – Shri Malay Shrivastava, Advocate (in MCRC No.3424/2018, MCRC No.3429/2018, MCRC No.3430/2018, MCRC No.3431/2018, MCRC No.3433/2018, MCRC No.3435/2018 & MCRC No.3436/2018),.

Shri Suryakant Mishra, Advocate (in MCRC No.3823/2018, MCRC No.3836/2018, MCRC No.3835/2018, MCRC No.4015/2018, MCRC No.4019/2018, MCRC No.4022/2018 & MCRC No.4023/2018).

For Non-applicant/State – Shri Anupam Dubey, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

02-07-2018

1. As the applications MCRC No.3424/2018, MCRC No.3429/2018, MCRC No.3430/2018, MCRC No.3431/2018, MCRC No.3433/2018, MCRC No.3435/2018 & MCRC No.3436/2018 have been filed by the same applicant, i.e. applicant Chandrika Yadav and applications MCRC No.3823/2018, MCRC No.3836/2018, MCRC No.3835/2018, MCRC No.4015/2018, MCRC No.4019/2018, MCRC No.4022/2018 & MCRC No.4023/2018 have been filed by same applicants, i.e., applicants Ashok Xalxo and Kishore Xalxo, though crime numbers are different, they are taken up for passing common order.

2. These are the first bail applications of the applicants filed under Section 439 of the Cr.P.C. for grant of regular bail to them, who have been arrested by Police Station Kunkuri, District Jashpur Chhattisgarh for the offences punishable under Sections 457, 380, 34 of the Indian Penal Code in the following crime numbers:

S.No.	Case Number	Crime Number
1.	M.Cr.C. No. 3424 of 2018	212/2016
2.	M.Cr.C. No. 3429 of 2018	125/2017
3.	M.Cr.C. No. 3430 of 2018	64/2017
4.	M.Cr.C. No. 3431 of 2018	155/2017
5.	M.Cr.C. No.3433 of 2018	46/2017
6.	M.Cr.C. No. 3435 of 2018	167/2017
7.	M.Cr.C. No. 3436 of 2018	79/2017
8.	M.Cr.C. No. 3823 of 2018	46/2017
9.	M.Cr.C. No. 3836 of 2018	167/2017
10.	M.Cr.C. No. 3835 of 2018	212/2016
11.	M.Cr.C. No. 4015 of 2018	125/2017
12.	M.Cr.C. No. 4019 of 2018	79/2017
13.	M.Cr.C. No. 4022 of 2018	155/2017
14.	M.Cr.C. No. 4023 of 2018	64/2017

3. It is submitted on behalf of the applicants that these applicants have been falsely implicated in these cases only on the basis of one memorandum recorded of these accused persons in one case and they have been roped in the other offences of theft without there being any evidence against them. The applicants are in jail since 31-12-2017 and trial against them is likely to take some time. Hence, it is prayed that these applicants may be granted regular bail.

4. Learned counsel for the State/non-applicant opposes the applications submitting that apart from these cases registered against these applicants, all these applicants have criminal history of having been prosecuted for similar nature of offences earlier also. Hence, they are not entitled for grant of bail.

5. Heard learned counsel for the parties and perused the case diary.

6. In Crime Nos.222/2016, 125/2017, 64/2017, 155/2017, 46/2017, 167/2017 and 79/2017 the story of the prosecution is this that the FIR was lodged in each case for commission of offence of theft by some unknown persons. During investigation, accused persons were apprehended, interrogated, in which, recovery has been made of one gold necklace, one pair of gold tops and two silver coins from applicant Chandrika Yadav worth of Rs.20,500/-. Similarly, in Crime Nos. 46/2017, 167/2017, 212/2016, 125/2017, 79/2017, 155/2017 and 64/2017, some gold and silver jewelry worth of Rs.1,10,000/- were seized from applicant Ashok Xalxo and some gold and silver jewelry worth Rs.17,000/- were seized from applicant Kishore Xalxo and some mobile phones were also seized. All the articles so seized were identified by the respective complainants as the stolen property. Hence, these cases.

7. After due consideration on all the material present in the case diary and looking to this fact that the applicants are in jail since about 6 months and the trial against them has not concluded so far, I feel inclined to grant regular bail to all theses applicants.

8. Consequently, all these applications filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail are hereby 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/- with one surety in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge