

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C. No. 3959 of 2018**

Sarik Khan, S/o. Late Abdul Salim Khan, Aged About 30 Years, R/o. Rajim Thanapara, P. S. Rajim District- Gariyaband, Chhattisgarh.

---- Applicant

**Versus**

State Of Chhattisgarh, Through : Station House Officer, Police Station City Kotwali, District- Raipur, Chhattisgarh.

--- Respondent

**AND**

**M.CR.C. No. 4283 of 2018**

Shivkumar Sahu, S/o. Late Shri Gendlal Sahu, Aged About 43 Years, R/o- Rajim, Thanapara, Police Station Rajim, District- Gariyaband, Chhattisgarh.

---- Applicant

**Versus**

State Of Chhattisgarh, Through Station House Officer, Police Station City Kotwali, District- Raipur, Chhattisgarh.

--- Respondent

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|----------------|---|-------------------------------------------------------------|
| For Applicants | : | Mrs. Indira Tripathi, Advocate &<br>Mr. B.L. Sahu, Advocate |
| For Respondent | : | Mr. Anant Bajpai, Panel Lawyer                              |

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**

**Order On Board**

**10/07/2018**

- Both the bail applications are heard and decided together by this common order as they are arising out of the same crime number and incident.
- These are the first bail applications filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who

have been arrested in connection with Crime No. 115/2018, registered at Police Station- City Kotwali, District – Raipur (C.G.) for the offence punishable under Section 458, 380 of the Indian Penal Code.

3. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case. The applicants are in jail since 17.04.2018. Charge-sheet has been filed after completion of investigation and no case is made out against him on the basis of the material present in the case diary. Both the applicants do not have any criminal antecedents and they are resident of District Durg. Hence, it is prayed that the applicants may be enlarged on bail.
4. On the other hand, the learned counsel appearing for the State opposes the bail application and the submission made in this respect. It is submitted that according to the memorandum statement given by both the applicants, they have clearly admitted the commission of offence and also the stolen property seized from them has been identified. Therefore, they may not be released on bail.
5. I have heard the learned counsel for the parties and perused the documents placed on record.
6. According to the case of the prosecution, complainant Vipul Chatwani has lodged FIR that four unknown persons having their faces covered forced their entry into his house and committed theft of cash, jewelery of gold and diamond, wrist watch total value of Rs.8.00 lakhs. During the investigation some articles have been seized from the possession of this applicant, which have been identified as stolen property.
7. Considered the submissions made and the contents of the case diary. Considering on the entire material present in the case diary and also this fact that these applicants do not have any criminal antecedents, 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 Cr.P.C. are allowed.
9. It is directed that the applicants shall be released on bail on their furnishing a personal bond for a 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