

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4526 of 2018

Rajesh Gupta @ Raju S/o Rameshchand Gpta, aged about 48 years, R/o L-2/6A/16, Shaasinagar, Dehli-52.

--- Applicant

Versus

State of Chhattisgarh, Through the Station house Officer, Police Station- Raghunathnagar, District- Balrampur- Ramanujganj (C.G.)

---- Respondent

AND

MCRC No. 4776 of 2018

Jaikam S/o Dinakhan, aged about 28 years R/o Village- Kherli Chandrawat, P.S.- Laxmangarh, District- Alwar, Rajasthan (PS wrongly mention in order dated 09/05/2019)

--- Applicant

Versus

State of Chhattisgarh, Through Police Station- Raghunathnagar, District- Balrampur- Ramanujganj (C.G.)

---- Respondent

AND

MCRC No. 4784 of 2018

Hakam S/o Usman, aged about 30 years R/o Village- Mehrana Chandrawat, P.S.- Laxmangarh, District- Alwar Rajasthan (PS wrongly mention in order dated 09/05/2018)

--- Applicant

Versus

State of Chhattisgarh, Through Police Station- Raghunathnagar, District- Balrampur- Ramanujganj (C.G.)

---- Respondent

AND

MCRC No. 4824 of 2018

Saroj Nishad, S/o Lakhanlal Nishad, aged about 28 years, R/o Sangolipur, PS Kishunpur, Distt. Fathepur (U.P.).

--- Applicant

Versus

State of Chhattisgarh, Through the Station house Officer, Police Station- Raghunathnagar, District- Balrampur- Ramanujganj (C.G.)

---- Respondent

For Applicant (in MCRC 4526/2018) :	Mr. Shakti Raj Sinha, Advocate
For Applicant (in MCRC 4476/2018) :	Mr. Akath Kumar Yadav, Advocate
For Applicant (in MCRC 4784/2018) :	Mr. A.K. Yadav, Advocate
For Applicant (in MCRC 4824/2018) :	Mr. Jitendra Shrivastava, Advocate
For Respondent :	Mr. U.K.S. Chandel, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

27/07/2018

1. Since all the cases arise out of same crime number, therefore, they are being disposed of by this common order.
2. The applicants have preferred these bail applications under Section 439 of the Cr.P.C for grant of regular bail as they are arrested in connection with Crime No. 93/2017 registered at Police Station- Raghunathnagar (C.G.) for the offence punishable under Sections 379, 395, 398 and 412 of IPC.
3. First bail applications of applicants Jaikam and Hakam (in MCRC No. 4776/2018 and 4784/2018, respectively) were dismissed on the grounds that both are the residents of Rajasthan and some of the co-accused persons were absconding.
4. As per prosecution story it is alleged on 11/12/2017, the present

applicants along with other co-accused have looted the transmission wires from the site of Kalpataru Power Transmission Company situated at Village- Pandri, Wadraf Nagar. The said looted wire, thereafter was taken to Dehli and was sold there. In the incident, many persons were involved including the present applicants. Allegation against applicant- Saroj is that at the time of incident, he was with co-accused persons who were involved in the said loot. Allegation against applicant- Rajesh is that he participated in the sale of looted property at Dehli. Allegation against applicant- Hakam is that the truck which was involved in the looted material for Delhi belongs to him and he is owner of the truck and applicant- Jaikam was the driver of the said vehicle. First bail applications preferred by the applicants- Jaikam and Hakam were rejected on 09/05/2018 in MCRC No. 2591/2018 on the ground that they are resident of Rajasthan and some of the co-accused persons are absconding.

5. Counsel appearing on behalf of applicants- Jaikam and Hakam submits that other co-accused namely Shriram Saini and Ratan Lal have already been released on bail vide order dated 26/05/2018 in MCRC No. 3002/2018 and also co-accused Netram has been released vide order dated 13/07/2018 in MCRC No. 4586/2018. He further submits that co-accused Shriram, Ratan Lal and Netram, all are residents of Rajasthan. Applicants- Jaikam and Hakam are in custody since 21/01/2018, charge-sheet has been filed and the trial will likely to take some time, therefore, both above mentioned applicants may also be released on bail.
6. Mr. Shakti Singh Rajput and Mr. Jitendra Shrivastava, counsel appearing on behalf of respective applicants- Rajesh and Saroj submit

that Rajesh is in custody since 09/02/2018 and Saroj is in custody since 01/04/2018, charge-sheet has already been filed and the trial will likely to take some more time and other co-accused persons have already been released on bail, therefore, applicants- Rajesh and Saroj may also be released on bail.

7. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
8. I have heard learned counsel for both the parties.
9. Considering the above facts and circumstances of the case, particularly considering the totality of the case and further considering that co-accused namely Shriram Saini and Ratan Lal have already been released on bail vide order dated 26/05/2018 in MCRC No. 3002/2018 and co-accused Netram has also been released vide order dated 13/07/2018 in MCRC No. 4586/2018, charge-sheet has been filed, applicant- Rajesh is in custody since 09/02/2018, applicants- Jaikam and Hakam are in custody since 21/01/2018 and applicant- Saroj is in custody since 01/04/2018, without further commenting on merit of the case, I am inclined to release the applicants on bail.
10. Accordingly, the bail applications are allowed.
11. It is directed that the applicants shall be released on bail on each of them executing a personal bond for a sum of Rs.25000/- with one local solvent surety in the like sum to the satisfaction of the trial Court for their appearance before the said Court as and when directed.

Sd/-
Judge
Arvind Singh Chandel