

HIGH COURT OF CHHATTISGARH, BILASPUR

MISC. CRIMINAL CASE NO. 6863 OF 2018

Akash Bairagi S/o Anand Bairagi Aged About 27 Years R/o Durgapur Colony, Police Station Dharamjaigarh, Distt. Raigarh Chhattisgarh Present Address Mudapar, Nearby Masjid, Chowki Manikpuri, Korba Tehsil And Distt. Korba Chhattisgarh.

... Applicant

Versus

State of Chhattisgarh Through District Magistrate, Police Station CSEB Korba, District Korba (CG).

... Respondent

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MISC. CRIMINAL CASE NO. 7576 OF 2018

Pachu Mandal S/o Vikas Mandal, aged about 25 years, R/o Baishya Coloy, Raigarh, Tehsil & Distt. Raigarh (CG).

... Applicant

Versus

State of Chhattisgarh Through District Magistrate, Police Station City Kotwali, Korba (Police Outpost-CSEB) District Korba (CG).

... Respondent

For Applicants	:	Shri Kishore Narayan, Advocate.
For Respondent-State	:	Shri Satish Gupta, Govt. Advocate.

Hon'ble Shri Justice Sharad Kumar Yadav

Order on Board

02/11/2018

1. Since both the bail applications arise out of same crime, they are being disposed of by this common order.
2. These are first bail application under Section 439 of the Cr.P.C. preferred by the applicants before this court and their no bail application is pending before any other court.
3. The applicants have been arrested in connection with Crime No.459 of 2018 registered at Police Station, Police Outpost CSEB Korba, District Korba for the offence punishable under Sections 379 and 411/34 IPC.

4. The prosecution story in brief is that the complainant Satyanarayan Rathore and Manish had a Mobile IMEI number 866467033794623, 863408031968549 and 863408031968556. The complainant Gulshan Patel had a mobile IMEI number 869822030345489 and 869822030345497 and the complainant Khileshwar Prasad had a mobile IMEI number 865687036701819 and 865687036701801. They had gone to Appu Garden where they kept the said mobiles in a School bag of the complainant Satyanarayan Rathore. While returning back after taking bath they found that the said bag containing said mobiles had been stolen by someone. At the instance of memorandum of the applicant-Akash Bairagi, 13 mobile phones were seized from the applicant-Pachu Mandal out of which one mobile number was bearing the same IMEI number which was belonging to the complainant Satyanarayan Rathore.
5. Learned counsel for the applicants argued that the applicants are innocent and falsely implicated hence be released on bail.
6. Learned State counsel opposes the bail applications and submit that that six other criminal cases are already registered against each of the applicants.
7. Looking to the facts and circumstances of the case and also considering the fact that six other criminal cases have already been registered against each of the applicants, this court is of the opinion that these are not a fit case to release the applicants on bail.
8. Accordingly, both the bail applications are rejected.

Sd/-
(Sharad Kumar Yadav)
Judge