

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7743 of 2018**

1. Montu @ Mohit Mochi, S/o Radhe Lal, aged about 24 years, R/o Mochi Para Dongargarh, District Rajnandgaon, Civil & Revenue District Rajnandgaon (CG).
 2. Limesh @ Sukhchand, S/o Dilip Gidhaude, aged about 18 years, Kachehari Chowk, Dongargarh, District Rajnandgaon, Civil and Revenue District Rajnandgaon (CG).
- Applicants**

Versus

State of Chhattisgarh, through P.S. Dongargarh, Civil & Revenue District Rajnandgaon(CG).

---- Non-applicant

For Applicants	: Mr. Keshav Dewangan, Advocate
For Non-applicant	: Mr. Sumit Jhanwar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

03.12.2018

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicants before this Court and no other bail application of them is pending before any other Court.
2. Perused the case diary provided by the counsel for the State in connection with Crime No.251/2018 registered in Police Station Dongargarh for the offence punishable under Sections 394, 397 of Indian Penal Code and Sections 25 & 27 of Arms Act.
3. Case of the prosecution, in brief, is that at intervening night of 15/16.07.2018, the complainant Hemchand Sahu, Santosh Verma and Manish Verma were returning back from Dongargarh by motor-cycle at about 12:30 a.m. near the Swagatam Lodge, Dongargarh, three persons were standing there on the road. One person had a knife. He show that knife to them and told that he is a Montu Mochi. He caused the injury near the right eye of complainant Hemchand Sahu. He looted three mobiles, out of which, one mobile was of Redmee company bearing Zio SIM No.9340432503, one mobile was of Lava company bearing Airtel SIM No.7898400775, one mobile was of Samsung company and one purse containing of Rs.12,000/-. Others two co-accused persons had beaten the complainant Manish Verma and Santosh Verma and looted one mobile of Sumsung company bearing Idea SIM No.9174060233 from the complainant Manish Verma and one mobile of Nokia company bearing Idea SIM No.9111543430 from the complainant-Santosh Verma. Two others co-accused were calling each other with the names of

Bharat and Sukhchand.

4. Counsel for the applicants would submit that the applicants have not committed any offence and have been falsely implicated in the case. In support of his case, he drew my attention on true copy of the affidavit of complainant Hemchand Sahu, where it has been mentioned that matter was compromised between him and the applicants.
5. On the other hand, counsel for the State would oppose the prayer for grant of bail to the applicants. He would further submit that six criminal cases, out of which, four cases under of IPC, one case of Arms Act and one case of Excise Act have already been registered against the applicant No.1-Montu @ Mohit Mochi and no criminal antecedent reported against the applicant No.2-Likesh @ Sukhchand.
6. There is no compromise was made with others complainants i.e. Santosh Verma and Manish Verma.
7. Looking to these facts and circumstances of the case, looking to the seriousness of the offence and looking to the impact of granting bail to the applicants on society, this Court is not inclined to give benefit of Section 439 of the Cr.P.C. to the applicants. Consequently, the bail application is rejected.
8. Certified copy as per rules.

SD/-

(Sharad Kumar Gupta)
JUDGE

L/-