

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7383 of 2017

- Nochan Das Manikpuri @ Babu S/o Shri Ishwari Lal, Aged About 20 Years R/o Ward No. 15, Sikola Bhata, Thana Mohannagar, Tahsil And District Durg, Chhattisgarh., Chhattisgarh

---- Applicant

Versus

- The State Of Chhattisgarh Through The Station House Officer, Police Station Pulgaon, Civil And Revenue District Durg, Chhattisgarh., Chhattisgarh

---- Respondent

MCRC No. 7467 of 2017

- Pileshwar @ Peku S/o Hemnath Sinha, Aged About 19 Years R/o Sikola Basti Near Thakre Kirana Shop Police Station Mohan Nagar District Durg, Chhattisgarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The District Magistrate Durg, Tehsil And District Durg, Chhattisgarh, Chhattisgarh

---- Respondent

For Applicants : Mr. Sunil Sahu and Mr. Sanjay Kumar
Agrawal, Advocates.
For Respondent : Mr. Vivek Singhal, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

29/01/2018

1. Since both the bail applications arise out of the same crime number, they are being disposed of by this common order.
2. Both these applications are first bail application of the applicants under Section 439 of the Code of Criminal Procedure, for grant of regular bail

to the applicants as they have been arrested in connection with Crime No.505/2016 registered at Police Station - Pulgaon, District – Durg (C.G.) for the offence punishable under Sections 457, 380 & 411 of Indian Penal Code (for short 'IPC').

3. Learned counsel for the applicants submits that applicants are innocent and have been falsely implicated in the crime in question only on the basis of memorandum statement of the co-accused Kuleshwar. After completion of investigation, charge-sheet has been filed. Applicant Nochan Das Manikpuri is in jail since 16.12.2016 and applicant Pileshwar is in jail since 6.12.2016. Hence, it is prayed that he may be granted regular bail.
4. Learned counsel for the respondent/State opposes the applications and submissions made in this respect. It is submitted that both the applicants are habitual offenders and there are three other cases registered against them. Further there is sufficient evidence for the prosecution against them. Hence, he is not entitled for grant of regular bail.
5. In reply, learned counsel for the applicants submits that both the applicants in the previous cases against registered against them, have been acquitted. This is only case pending against them.
6. Heard both the parties and perused the case diary.
7. Complainant Sayyed Jiya Jafar lodged FIR against unknown person about them of mobile sets, air gun and gold chain from his place of residence. During investigation, both the applicants were interrogated and on their instance, some property have been recovered which have been identified by the complainant. Hence, this case.

8. Considered the submissions made and contents of the case diary and that the applicants have been charge-sheeted for the three other offences but this is the only case pending against them and they are in jail since more than one year and the trial against them is likely to take more time. For this reason alone, I am of this view that it is a fit case where the applicants should be enlarged on regular bail.
9. Accordingly, both the bail applications filed under Section 439 of Cr.P.C. are allowed. It is directed that both the applicants shall be released on bail on their furnishing a personal bond for a sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the trial Court concerned, for their appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)

Judge