

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7735 of 2017**

Praveen Surywanshi, S/o. Shri Sushil Suryawanshi, Aged About 26 Years,
R/o. Shantinagar Sakari, Police Station -Chakarbhata, Civil and Revenue
District -Bilaspur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : The Station House Officer, Police Station
Chakarbhata, District Bilaspur, Chhattisgarh.

---- Respondent

AND**M.CR.C. No. 527 of 2018**

1. Raja Gond, S/o. Mayaram Gond, Aged About 26 Years,
 2. Rajkumar @ Sonu Vishwkarma, S/o. Sarju Vishwkarma, Aged About 19 Years,
 3. Sunil @ Pintu Yadav, S/o. Santosh Yadav, Aged About 20 Years,
- All are R/o. Village Shanti Nagar, Sakri, P. S. Chakarbhata, Civil And
Revenue District Bilaspur, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh, Through : The Station House Officer, Police Station
Chakarbhata, District -Bilaspur, Chhattisgarh.

---- Respondent

For Applicants	: Ms. Jyoti Rathod, Advocate
For Respondent/State	: Mr. Aaditya Sharma, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board**

20/02/2018

1. Both the bail applications are heard and decided together by this common order as they are being arising out of the same crime number and the incident.
2. These are the first bail applications filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants, who have been arrested in connection with Crime No.514/2017, registered at Police Station – Chakarbhata, District – Bilaspur (C.G.) for the offence punishable under Section 394, 323, 411 of the Indian Penal Code.
3. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case. Their names have not been reflected in the FIR lodged by the complainant in this case. No recovery has been made from these applicants, hence, no case is made out against them regarding the offence registered against them. It is submitted that the applicant in M.Cr.C. No.7735/2017 is in jail since 18.11.2017 and the applicants in M.Cr.C. No.527/218 are in jail since 17.11.2017. They are local residents of District Bilaspur and ready to abide by all the conditions imposed for grant of bail. Therefore, it is prayed that the applicants may be granted regular bail.
4. On the other hand, learned counsel for the State opposes the bail applications and the submission made in this respect.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. The prosecution case in brief is that the complainant Vishram

Bhardwaj has lodged FIR that on his way to home on the date of incident four unknown persons assaulted him and looted one motor cycle and one Micromax mobile from his possession. On enquiring from the person present, he came to know that assailant was Dauwa Verma. Later on, the names of the applicants have appeared on the basis of the memorandum of the co-accused persons.

7. Considered the submissions made and the contents of the case diary. As it appears that no recovery of the looted articles have been made from these applicants and neither they were named in the FIR, hence, taking into consideration all the materials against these applicants, 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 the Cr.P.C. are allowed.
9. It is directed that applicants shall be released on bail on their furnishing a personal bond in the 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