

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 101 of 2018**

1. Somesh Kashyap @ Somu, S/o. Santosh Kashyap, Aged About 22 Years, R/o. Nevsha, Police Station -Ratanpur, District -Bilaspur Chhattisgarh.
2. Onkar Vishvakarma, S/o. Harikeshi Vishvakarma, Aged About 21 Years,
3. Ajay Kashyap, S/o. Kedar Kashyap, Aged About 21 Years,
Both R/o. Gidhuri, Police Station -Ratanpur, District -Bilaspur Chhattisgarh.

---- Applicants

Versus

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

---- Respondent

For Applicant : Mr. Vinod Tekam, Advocate

For Respondent/State : Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****12/03/2018**

1. This is the first bail application 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.364/2017, registered at Police Station – Ratanpur, District – Bilaspur (C.G.) for the offence punishable under Section 457, 511, 380 and 34 of Indian Penal Code.

2. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case. Applicants are in jail since 03.12.2017. All the applicants are residents of District – Bilaspur and ready to abide by all the conditions imposed for grant of bail. Charge-sheet has been filed after completion of investigation. Hence, it is prayed that the applicants be enlarged on regular bail.
3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the applicant No.1 has criminal antecedents of having two similar criminal case against him of the year 2014 and 2017, hence, he is not entitled for grant of bail.
4. In reply, counsel for the applicants submits that applicant No.1 was juvenile at the time of first offence registered against him and he has been acquitted, whereas, the second case of 2017 is pending, in which he is on bail, hence, prayed that the applicants be enlarged on regular bail.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per the prosecution case, it is alleged that on the date of incident, all the applicants were trying to broke open the shutter of the mobile store of the complainant – Mudrika Prasad Kashyap, when two of them were caught on the spot by the persons present there and one of them succeeded to flee away, who was arrested later on. After lodging of FIR, the case was registered against all the accused persons.
7. Considered the submissions made and the contents of the case diary. Considering the nature of offence against the applicants and further

taking into consideration this fact that the charge-sheet in this case has been filed, the case is triable by Judicial Magistrate First Class, applicants are in jail since 03.12.2017, 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 application filed under Section 439 of the Cr.P.C. is 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 his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge