

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 432 of 2019**

1. Akash Bairagi, S/o Anand Bairagi, aged about 27 years, R/o Durgapur Colony, Police Station Dharamjaigarh, District Raigarh, present address Mudapar, Nearby Masjid, Chowki Manikpuri, Korba, Tahsil and District Korba (CG).
2. Panchu Mandal, S/o Vikash Mandal, aged about 25 years, R/o Baishya Colony, Raigarh, Tahsil and District Raigarh (CG). ---- **Applicants**

Versus

State of Chhattisgarh, through Station House Officer, Police Station City Kotwali, Korba Police Out Post CSEB, District Korba (CG). ---- **Non-applicant**

For Applicants	: Mr. Awadh Tripathi, Advocate
For Non-applicant	: Mr. S.R.J. Jaiswal, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

06.02.2019

1. This is the second bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicants, who have been arrested in connection with Crime No.459/2018 registered at Police Station City Kotwali, Police Out Post CSEB, District Korba for the offence punishable under Sections 379 & 411/34 of Indian Penal Code.
2. The first bail application of the applicants was rejected on merits by the order of this Court dated 02.11.2018 passed in M.Cr.C. No.6863/2018 and M.Cr.C. No.7576/2018 respectively considering this fact that six criminal cases have already been registered against the applicants.
3. Case of the prosecution 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 Mandai out of which one mobile number was bearing the same IMEI number which was belonging to the complainant Satyanarayan Rathore.

4. Counsel for the applicants argued that the applicants are innocent and have been falsely implicated in the case hence they may be released on bail. He further submitted that the applicants are in custody since 16.07.2018 and other five criminal cases have been registered on 01.07.2018. Six criminal cases have been registered against them though incident is one. They have already enlarged on bail from five cases.
5. On the other hand, counsel for the State opposed the bail application.
6. Looking to the above facts and circumstances of the case and also considering the fact that five criminal cases have already been registered against the applicants and there is no change in the circumstances of the case on the strength of which they may be released on bail in second round. Consequently, the second bail application is rejected.
7. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-