

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 230 of 2019**

Mohan Rao S/o Shankar Rao Aged About 30 Years R/o Village-Kadamada, Police Station- Chhatrapur, District- Ganjam, Orissa. At Present Resident Of House No. A-1, Avanti Vihar, Police Station-Telibandha, Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station-Telibandha, Raipur, Civil And Revenue District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

--- Respondent

MCRC No. 266 of 2019

Sudarshan Pusty S/o Late Shri Anand Pusty Aged About 62 Years R/o Rayat Patna Post Bakarsahi Police Station Balli Patna District Khorda Odisha Civil And Revenue District Khorda Odisha., District : Khordha *, Orissa

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Telibandha Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondent

Along with**MCRC No. 596 of 2019**

Jitendra Sahu S/o Surendra Sahu Aged About 43 Years R/o Bhingarapur, Bentapur, Diyna Patna, Police Station Baliana District Khorda Orissa, District : Khordha *, Orissa

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Telibandha, Raipur, Civil And Revenue District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Respondent

For the Applicants

:

Ms. Sunita Sahu, Advocate (in MCRC No.230/2019 and MCRC No. 596/2019)
Shri Ajay Mishra, Advocate (in MCRC No. 266/2019)

For the State : Shri Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

31/01/2019

1. Above mentioned three bail applications arise out of a common Crime No. 451/2018 registered at Police Station Telibandha Raipur, District Raipur for the offence punishable under Sections 380, 457, 411, 34 of IPC, therefore, they are being heard analogously and decided by this common order. All the bail applications filed under Section 439 of CrPC.
2. Perused the case diary provided by the learned counsel for the State.
3. Case of the prosecution, in brief is that in the intervening night of 15.09.2018 / 16.09.2018 at Avanti Vihar, Telibandha Raipur, from the house of complainant Priya Sharan Tripathi, some unknown persons stolen two golden chain, two golden bangles, one golden ring, one golden locket, one golden necklace, golden small idols of God. From applicant Mohan Rao Rs.14,000/- had been seized. From applicant Sudarshan Pusty two golden chain, two golden bangles had been seized. From applicant Jitendra Sahu one golden necklace and one golden idol of God had been seized.
4. In Test Identification Parade complainant identified six golden bangles, four golden chain, two golden necklace.
5. Learned counsel for the applicants submits that they are innocent and falsely implicated in the present case, therefore, they shall be released on bail.
6. On the other hand, counsel for the State opposes the bail application. He further submits that no criminal antecedents have been reported against the applicant Mohan Rao, three similar type of criminal cases have been registered against the applicant Sudarshan Pusty and four other similar type of criminal cases have been registered against the applicant Jitendra Sahu.
7. Looking to the facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, it is directed that if the applicant **Mohan Rao** in MCRC No. 230/2019 furnishes one solvent surety for a sum of Rs. 25,000/- along with a personal bond in the like sum to the satisfaction of the concerned Court with the condition that he shall appear before the trial Court at

11.00 am as and when directed till trial and he would cooperate during the trial, he shall be released on bail.

8. Looking to the facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, it is directed that if the applicant **Sudarshan Pusty** in MCRC No. 266/2019 furnishes two solvent sureties for a sum of Rs. 25,000/- each along with one personal bond of Rs. 50,000/- to the satisfaction of the trial Court concerned with the condition that he will not involve himself in such type of crime in future, he shall be released on bail.
9. Looking to the facts and circumstances of the case, looking to this fact that four other similar type of criminal cases have been registered against the applicant Jitendra Sahu in MCRC No. 596/2019, this Court is reject his bail application.
10. Certified copy as per rules.

Sd/-
(**Sharad Kumar Gupta**)
Judge

Kamde