

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1190 of 2019**

Jageshwar Sahu S/o Late Ram Prasad Sahu Aged About 45 Years R/o Bathena ,district Dhamtari Chhattisgarh., District : Dhamtari, Chhattisgarh .

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer ,police Station Gurur ,district Balod Chhattisgarh., District : Balod, Chhattisgarh .

---- Respondent

MCRC No. 1191 of 2019

1. Aswan Sahu S/o Guharam Sahu Aged About 37 Years R/o Sakin Khapri P. S. Arjuni, Tehsil And District Dhamtari, Chhattisgarh., District : Dhamtari, Chhattisgarh
2. Onkar Singh Yadav S/o Tiharu Ram Aged About 36 Years R/o Sakin Dheemar Tikur, P. S. Arjuni, Tehsil And District Dhamtari, Chhattisgarh., District : Dhamtari, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Gurur, District Balod, Chhattisgarh., District : Balod, Chhattisgarh .

---- Respondent

MCRC No. 1185 of 2019

1. Vijay Dahariya S/o Kishan Lal Dahariya Aged About 25 Years Caste Satnami,
2. Manish Goswami S/o Prem Goswami Aged About 20 Years Caste Satnami,

Both R/o Village Purur, P. S. Gurur, District Balod Chhattisgarh, District : Balod, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Gurur, District Balod Chhattisgarh, District : Balod, Chhattisgarh .

---- Respondent

MCRC No. 982 of 2019

1. Tumanlal Sahu. S/o Doniram Sahu Aged About 27 Years , resident of Village Tamora, Police Station, Tahsil & District : Balod, Chhattisgarh
2. Murlidhar S/o Fagwa Ram Sahu Aged About 43 Years Caste Teli, R/o Village Anandpur, Police Station And Tahsil Gurur, District Balod Chhattisgarh., District : Balod, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through Station House Officer, Police Station - Gurur, District - Balod Chhattisgarh., District : Balod, Chhattisgarh.

---- Respondent

MCRC No. 1106 of 2019

Prahlad Sahu S/o Rameshwar Sahu Aged About 32 Years R/o Village Mokha, Police Station Bhakhara, District Dhamtari Chhattisgarh, District : Dhamtari, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Gurur, District Balod Chhattisgarh, District : Balod, Chhattisgarh.

---- Respondent

MCRC No. 1244 of 2019

1. Mantram Dhruv . S/o Shri Dashrath Ram Aged About 35 Years R/o Telin Shakti, Police Station- Arjuni, District- Dhamtari, Chhattisgarh., District : Dhamtari, Chhattisgarh
2. Ramauram Nirmalkar S/o Shri Bisaal Aged About 45 Years R/o Village- Kurra, Tahsil And District- Dhamtari, Chhattisgarh., District : Dhamtari, Chhattisgarh
3. Kishan Lal Mato S/o Late Suklal Aged About 45 Years R/o Village- Bharrigaon, Police Station- Guru, District- Balod, Chhattisgarh., District : Balod, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station- Gurur, District- Balod, Chhattisgarh., District : Balod, Chhattisgarh.

---- Respondent

For the Applicants	:	Shri Prasoon Agrawal, Advocate (MCRC Nos. 1190/2019 and 1191/2019)
	:	Shri Ganesh Barman, Advocate (MCRC No. 1185/2019)
	:	Shri B.P. Singh, Advocate (MCRC No.982/2019)
	:	Shri Prasoon Agrawal, Advocate appears on behalf of Shri Punit Ruparel, Advocate (MCRC

Nos. 1106/2019 and 1244/2019)
 For the State : Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

21/02/2019

1. Above mentioned bail applications arise out of a common Crime No. 209/2018 registered at Police Station Gurur, District Balod for the offence punishable under Sections 294, 506(II), 323, 342, 147, 149, 170, 171, 386, 420, 354 & 395 read with Section 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. Case of the prosecution, in brief is that on 12/10/2018 about 11.30 p.m., complainants Gandhraj Singh, Sunil Kumar, Rajendra, prosecutrix were going from Purur to Agrotech Company Purur. Applicants Vijay and Manish reached near to them by separate motorcycles. Applicants Vijay and Manish stopped the complainants and prosecutrix. Applicants Vijay and Manish stated that they are the Policeman, abused them. Applicants Vijay and Manish made the allegation upon the complainants Gandhraj Singh, Sunil and Rajendra that they have brought prosecutrix for wrong purpose and demanded Rs.10,000 -10,000/-, beat them by hands and fists. Applicants Vijay and Manish molested prosecutrix. Applicants Vijay and Manish had taken the ATM of complainant Gandhraj Singh and Rajendra. Applicants Vijay and Manish gave threats to kill and obtained the Pin number. Meanwhile some unknown persons also reached there who assisted applicants Vijay and Manish. Applicant Vijay drew Rs.14,000/- through ATM of complainant Gandhraj Singh and Rs.2000/- from the ATM of complainant Rajendra. Applicants and unknown persons had taken Rs.16,000/- from the complainants Gandhraj Singh and Rajendra and returned back the ATM. The complainants and prosecutrix were under fear, thus complainant Gandhraj Singh had given an application later on to the Police.
3. Counsel for the applicants submits that they are innocent and falsely implicated in the present case, therefore, they shall be released on bail.
4. On the other hand, counsel for the State opposes the bail application. He further submits that no criminal antecedents against the applicants.
5. Counsel for the applicants Vijay and Manish further submitted that FIR is delayed by ten days. Complainants and prosecutrix were not knowing to applicants Vijay and Manish, therefore, no report was lodged

immediately. There is no CCTV Footage of ATM Booth.

6. In the case in hand there is no Test Identification Parade of other applicants except applicants Vijay and Manish. *Prima facie* it appears that there is CCTV Footage in case diary. On the memorandum of applicant Prahlad Rs.1950/- has been seized from him.
7. Complicity of some applicants is described in the memorandum of applicants Vijay and Manish which is *prima facie* not admissible in evidence.
8. Looking to the facts and circumstances of the case, looking to the material available on record, looking to the seriousness of the alleged offence, looking to the impact of granting bail to the applicants on society, the bail application of applicants **Vijay Dahariya** and **Manish Goswami** is rejected.
9. Looking to the facts and circumstances of the case, looking to the material available on record it is ordered that if the applicants namely **Jageshwar Sahu, Aswan Sahu, Onkar Singh Yadav, Tumanlal Sahu, Murlidhar, Prahlad Sahu, Mantram Dhruv, Ramauram Nirmalkar** and **Kishan Lal Mato** 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 they shall appear before the trial Court at 11.00 am as and when directed till trial and they would cooperate during the trial, they shall be released on bail.
10. Certified copy as per rules.

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

Kamde