

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1252 of 2019

1. Shrawan Chouhan S/o Dilsagar Aged About 24 Years R/o Taragarh Lailunga, District – Raigarh Chhattisgarh.
2. Sushil Kumar Chouhan S/o Karamsai Aged About 40 Years R/o Shivpur, Police Station Patthalgaon, District - Jashpur Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Kapu, District - Raigarh Chhattisgarh.

---- Respondent

AND

MCRC No. 1245 of 2019

- Zila Chouhan S/o Bedram Aged About 35 Years R/o Kodwaripara, Tahsil Dharamjaygarh District Raigarh, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer Police Station Kapu, District Raigarh, Chhattisgarh.

---- Respondent

For Applicants (in MCRC 1252/2019): Mr. Manoj Kumar Jaiswal, Advocate

For Applicant (in MCRC 1245/2019): Mr. Manoj Kumar Jaiswal, Advocate

For Respondent/State : Mr. KK Dewangan, Dy. GA.

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

12/03/2019

1. Since both the cases arise out of same crime number, therefore, they are being disposed of by this common order.
2. The applicants have preferred these first bail applications under Section 439 of the Cr.P.C for grant of regular bail as they are arrested in connection with Crime No. 70/2018 registered at Police Station-Kapu, Distt. Raigarh (C.G.) for the offence punishable under Sections 395 & 120 B of the IPC.
3. As per prosecution story, on 14-07-2018, complainant Sulesh Kumar lodged a report wherein, it has been stated that on 07.07.2018 at about 10:30 PM some unknown persons looted one mobile phone of Micromax Company and cash of Rs. 28,000/- from him, they also looted one mobile phone of Intex Company, cash of Rs. 1,000/- from Ramesh, one touch screen mobile phone of Samsung Company, cash of Rs. 16,000/- from Dhaneshwar, one touch screen mobile phone of Micromax Company and cash of Rs. 35,000/- from Jagdish. On the basis of said, offence has been registered. During course of investigation, on the basis of memorandum statement of applicant Zila Chouhan one mobile phone of Oppo Company, on the basis of memorandum statement of applicant Sushil Kumar one keypad mobile of Jeo Company and on the basis of memorandum statement of applicant Shrawan Chouhan one mobile of Micromax Company have been seized from their possession. They are in custody since 13.07.2018.
4. Learned Counsel appearing on behalf of the Applicants submits that the Applicants are innocent and have been falsely implicated in the case. He further submits that the report has been made against unknown persons but no test identification parade has been conducted by the prosecution in this case. Co-accused Trinath @ Sonu Yadav has already granted benefit of bail by this Court vide order dated 20.02.2019 passed in MCRC No. 613/2019, the applicants have no

criminal antecedents, they are in custody since 13.07.2018, charge-sheet has been filed and trial will likely to take some time to conclude, therefore, the applicants may be released on bail.

5. Per contra, learned counsel appearing on behalf of the State opposes the bail applications.
6. I have heard learned counsel for both the parties.
7. Considering the above facts and circumstances of the case, particularly considering the fact that Co-accused Trinath @ Sonu Yadav has already granted benefit of bail by this Court vide order dated 20.02.2019 passed in MCRC No. 613/2019, the applicants have no criminal antecedents, they are in custody since 13.07.2018, charge-sheet has been filed and trial will likely to take some time to conclude, without further commenting on merit of the case, I am inclined to release the applicants on bail.
8. Accordingly, the bail applications are allowed.
9. It is directed that the applicants shall be released on bail on each of them executing a personal bond for a sum of Rs. 20,000/- with one local solvent surety in the like sum to the satisfaction of the trial Court for their appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge