

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No.1130 of 2019**

Kalu @ Suraj, S/o Shankar Rajak, aged about 20 years, R/o Ward No.6, Barethpara, Khairagarh, Police Station Khairagarh, District Rajnandgaon (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Police Station Khairagarh, District Rajnandgaon (CG).

---- Non-applicant**AND****MCRC No.2094 of 2019**

Lucky @ Rizwan, S/o Rafeeq Solanki, aged about 22 years, R/o Ward No.16, Dauchora Khairagarh, P.S. And Tahsil Khairagarh, District Rajnandgaon (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Station House Officer, Police Station Khairagarh, District Rajnandgaon (CG).

---- Non-applicant**AND****MCRC No.2150 of 2019**

Vijay Yadav, S/o Nandkishore @ Nandlal, aged about 21 years, R/o Ward No.6, Bareth Para Khairagarh, Police Station Khairagarh, District Rajnandgaon (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Station House Officer, Police Station Khairagarh, District Rajnandgaon (CG).

---- Non-applicant

For Applicants : Mr. Abhishek Sharma, Mr. Aditya Bharadwaj & Mr. Abhishek Pandey, Advocates.

For Non-applicant : Mr. Vikram Dixit, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****12.04.2019**

1. Superintendent of Police, Rajnandgaon Kamlochan Kashyap is present in person before this Court. He is directed that in future he must comply with the order of this Court.
2. Above mentioned three bail applications arise out of a common Crime No.300/2018 registered at Police Station Khairagarh, District Rajnandgaon for

the offence punishable under Sections 457, 380, 34 of Indian Penal Code, therefore, they are being heard analogously and decided by this common order. All the three are first bail applications filed under Section 439 of the CrPC.

3. Prosecution story in brief is that in the intervening night of 19.20/10/2018 at village Pipariya, some unknown persons had stolen cash Rs.10,000/- from the house of complainant Khemchand Verma. On the memorandum of applicant-Kalu @ Suraj recorded in Crime No.299/2018 by Police Station Khairagarh, Rs.35,000/- and one bag covered upon which Ghotiya had been written and one tablet of Samsung company were seized. On the memorandum of applicant-Lucky @ Rizwan recorded in Crime No.299/2018 by Police Station Khairagarh cash Rs.35,000/- was seized from him. On the memorandum of applicant-Vijay Yadav recorded in Crime No.299/2018 by Police Station Khairagarh cash Rs.35,000/- and one tablet of Samsung company were seized from him.
4. Counsel for the applicants respectively submitted that the applicants are innocent and have been falsely implicated in the present case hence they may be released on bail.
5. Counsel for the State opposed the prayer for grant of bail. However, he submitted that one case under IPC has already been registered against the applicant-Kalu @ Suraj and there is no criminal antecedent is reported against the applicants Lucky @ Rizwan and Vijay Yadav in police case diary.
6. Earlier, this Court has granted bail to the co-accused Usman Beg on 16.01.2019 passed in M.Cr.C. No.9749/2018. The cases of the applicants are identical to that co-accused, who has been released on bail by this Court.
7. Looking to the above mentioned facts and circumstances of the case, the bail applications (M.Cr.C. No.1130/2019, M.Cr.C. No.2094/2019 & M.Cr.C. No.2150/2019) are allowed.
8. It is directed that in case, applicant-Kalu @ Suraj furnishes two solvent sureties for a sum of Rs.25,000/- along with a personal bond in the sum of Rs.50,000/- to the satisfaction of the concerned Trial Court and applicants Lucky @ Rizwan and Vijay Yadav furnish one solvent surety for a sum of Rs.25,000/- each along with a personal bond in the sum of Rs.25,000/- with the condition that they shall appear before the Trial Court at 11:00 am as and when directed till trial and they would co-operate during the trial, they shall be released on bail and they shall not commit such type of offence in future.
9. Certified copy as per rules.

SD/-

(Sharad Kumar Gupta)
JUDGE

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