

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1743 of 2019

1. Rajesh Jogi S/o Fakirchand Jogi Aged About 40 Years R/o P. S. And Tehsil Sakti, District Janjgir Champa Chhattisgarh
2. Raj Jogi S/o Shatrughan Jogi Aged About 25 Years R/o P. S. Khetraipur, District Sambalpur Odisha

---- Applicants

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Malkharoda, District Janjgir Champa Chhattisgarh

---- Respondent

For Applicants : Mr. Basant Dewangan, Advocate.

For Respondent/State : Mrs. Smriti Shrivastava, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

15/05/2019

1. The applicants have preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as they are arrested in connection with crime No. 15/2019, registered at Police Station–Malkharoda, District- Janjgir-Champa (C.G.) for the offence punishable under Section 392, 307 & 120-B/34 of the IPC.
2. As per the prosecution story, on 10.01.2019, complainant of the case namely Prithviraj made a report in police station, wherein, it has been alleged that at around 7 PM on the said date, when he was returning on his motorcycle along with one Rohit Singh allegedly, in the middle, four accused persons came to them and assaulted them unnecessary through club due to that they

sustained injuries, accused persons have also looted some jewellery worth Rs. 35,000/- and ran away from the spot. It is also mentioned in the FIR that after some time of the incident Applicant No. 1 Rajesh Jogi and his son Lucky Jogi reached to the injured persons, they have helped them and hospitalized them. On the basis of said report made by Prithviraj, offence has been registered against four unknown persons. Allegedly, both the applicants are involved in the crime in question, therefore, they have been arrested on 10.01.2019 and since then they are in custody.

3. 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 as per contention of FIR, it is mentioned that Applicant No. 1 reached there after the incident occurred and also contended in the FIR that the complainant already known both the applicants, therefore, if the applicants are involved in the crime in question, then the complainant should mentioned their name in the FIR but he did not do so. Therefore, the whole story is false and concocted. The applicants are in custody since 10.01.2019 and trial is likely to take some time. Therefore, they may be released on bail.
4. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary with due care.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the applicants are in custody since 10.01.2019 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release them on bail.

7. Accordingly, the bail application is allowed.

8. 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 for the like amount to the satisfaction of the Trial Court for their appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge