

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1927 of 2019

- Suklamber Sarthi S/o Tilakram Sarthi, Aged About 30 Years Caste Ghasiya, R/o Village Pelma, Police Station Kapu, Tahsil Dharamjaigarh District Raigarh, Chhattisgarh.

---- Applicant

Versus

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

---- Respondent

For Applicant : Shri Hemant Kumar Patel, Advocate

For Respondent/State : Mr. K.K. Dewangan, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

04/04/2019

1. The applicant has preferred this first bail application under Section 439 of the Cr.P.C for grant of regular bail as he is 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.
2. 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 Jio Company and on the basis of memorandum statement of applicant Shrawan Chouhan, one mobile of Micromax Company have been seized from their possession. Allegations against the present applicant is that, he used to give information regarding the location of the complainant. Applicant has been taken into custody on 13.07.2018.

3. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has 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, and other co-accused namely Shrawan Chouhan, Sushil Kumar Chouhan and Zila Chouhan have also been granted bail by this Court vide order dated 12.03.2019 passed in MCRC No. 1252/2019 and MCRC No. 1245/2019 respectively. Applicant has no criminal antecedents, he is in custody since 13.07.2018, charge-sheet has been filed and trial is likely to take some time to conclude. Therefore, the applicant may be released on bail.
4. Per contra, learned counsel appearing on behalf of the State opposes the bail applications.
5. I have heard learned counsel for both the parties.
6. Considering the above facts and circumstances of the case, particularly considering the fact that co-accused persons have already been granted bail by this Court, applicant has no criminal antecedents, he is in custody since 13.07.2018, charge-sheet has been filed and trial is likely to take some time to conclude, without further commenting on merit of the case, I am inclined to release the applicant on bail.

7. Accordingly, the bail application is allowed.
8. It is directed that the applicant shall be released on bail on 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 concerned trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge