

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1613 of 2019

1. Kamlesh Kotangle S/o Vijay Kotangle Aged About 22 Years R/o Makkatola, Thana Salhekasa, District Gondiya M. H.
2. Shubham Sahare S/o Ranjeet Sahare Aged About 23 Years R/o Makkatola, Thana Salhekasa, District Gondiya M. H.

---- Applicants

Versus

- The State Of Chhattisgarh Through The Police Station Dongargaon, District Rajnandgaon Chhattisgarh

---- Respondent

AND

MCRC No. 1837 of 2019

- Pradeep S/o Indraraj Sakhare Aged About 24 Years R/o Kavdi, Tahsil - Aamgaon, District Gondiya Maharashtra.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Dongargaon, District Rajnandgaon Chhattisgarh.

---- Respondent

For Applicants (in MCRC NO. 1613/2019) : Mr. Samir Singh, Advocate.
For Applicant (in MCRC NO. 1837/2019): Mr. Samir Singh, Advocate.
For Respondent/State : Mr. Amit Singh, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

03/04/2019

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 Cr.P.C. for grant of regular bail, as they are arrested in connection with crime No. 172/2018, registered at Police Station Dongargaon, District- Rajnandgaon (C.G.) for the offence punishable under Sections 392/34 & 394 of the IPC.
3. As per prosecution story, on 09.07.2018 at about 1 PM, three persons stopped the complainant on road and after threatening him they were looted his bag in which Rs. 60,309/- Rs. and one Tablet of Samsung company were kept. Thereafter, complainant Hemant Kumar Bandhe lodged a report in police station against the unknown persons. On the basis of said report, offence has been registered. During course of investigation, the applicants have been arrested. On the basis of memorandum statements of the applicants the said tablet and money were seized. The applicants are in custody since 07.12.2018.
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 there is no named FIR in this case and no test identification parade has been conducted by the prosecution also. Thus, prima facie no offence can be made out against the applicants, they are in custody since 07.12.2018, charge-sheet has already been filed and trial is likely to take some time. 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 the parties and perused the case diary with due care.
7. 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 07.12.2018 and trial is likely to take some time, without further commenting on merits 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 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