

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 2117 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 Chhattisgarh

---- Applicant

**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station Khairagarh, District Rajnandgaon Chhattisgarh

---- Non Applicant

**MCRC No. 2161 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, Chhattisgarh

---- Applicant

**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station- Khairagarh, District - Rajnandgaon, Chhattisgarh

----Non Applicant

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| For the Applicants | : | Mr. Aditya Bharadwaj and Mr. Abhishek Sharma, Advocates |
| For Non Applicant  | : | Mr. SRJ Jaiswal, Panel Lawyer                           |

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**Hon'ble Shri Justice Sharad Kumar Gupta****Order On Board****10.04.2019**

1. Since both the petitions arise from same crime No., these bail petitions are being disposed off simultaneously.
2. These two bail applications are first bail applications under Section 439 of the Cr.P.C. preferred by the applicants before this Court and no other bail application is pending before any other Court.
3. Perused the case diary provided by the learned counsel for the State in connection with Crime No.299/2018 registered at Police Station- Khairagarh District- Rajnandgaon (C.G.) for the offence punishable under Sections 457, 380, 34 of the Indian Penal Code.
4. Case of the prosecution, in brief is that in the intervening night of 19.10.2018 / 20.10.2018 at village Amlidih, cash of Rs.3,00,000/- was stolen by some unknown persons from the house of complainant Rama Sharma. On the memorandum of applicant Lucky @ Rizwan, Rs.35,000/- was seized from him. On the memorandum of applicant, Vijay Yadav Rs.35,000/- was seized from him.
5. Learned counsel for the applicants submits that applicants have no criminal background, they are innocent and have been falsely implicated in the present case, therefore, they shall be released on bail.
6. On the other hand, learned counsel for the State submits that no antecedent has been reported against the applicant Lucky @ Rizwan. However, he submits that 3 other criminal cases have already been registered against the applicant Vijay Yadav out of which 1 under IPC and 2 under CrPC.

7. Coaccused Ushman Baeg, Birendra Rajak and Kalu @ Suraj have already been released on bail vide order dated 16.01.2019 in MCRC No.9748/2018, 26.02.2019 in MCRC No.815/2019, 06.03.2019 in MCRC No.1157/2019 respectively by this Court. The cases of applicants are similar to case of coaccused Ushman Baeg, Virendra Rajak and Kalu @ Suraj.
8. Looking to the facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, it is directed that if applicant Lucky @ Rizwan furnishes one solvent surety for a sum of Rs.25,000/- along with a personal bond of Rs.25,000/- to the satisfaction of the concerned Trial Court and applicant Vijay Yadav furnishes two solvent sureties for a sum of Rs.25,000/- along with a personal bond of Rs.50,000/- to the satisfaction of the concerned trial Court, they shall be released on bail.
9. Certified copy as per rules.

**Sd/-**

**(Sharad Kumar Gupta)**  
Judge

Parul