

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2936 of 2019

1. Krishna Kumar Satnami S/o Ramdhan Satnami Aged About 27 Years R/o Village Pelma, Police Station Kapu Tahsil - Dharamjaigarh Taluka - Udaipur (Dharamjaigarh) District Raigarh Chhattisgarh.
2. Umashankar Satnami S/o Ramdhan Satnami Aged About 22 Years R/o Village Pelma, Police Station Kapu Tahsil - Dharamjaigarh Taluka Udaipur (Dharamjaigarh) District Raigarh

---- Applicants

Versus

- State Of Chhattisgarh Through Police Station Kapu, Dharamjaigarh District Raigarh Chhattisgarh.

---- Respondent

For Applicants	: Mr. Ashutosh Mishra, Advocate
For Respondent/State	: Mr. KK Dewangan, Dy. GA.

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

17/07/2019

1. The applicants have preferred this Second bail application under Section 439 of the Cr.P.C for grant of regular bail as they are arrested in connection with Crime No. 70/2018 registered at Police Station- Kapu, Distt. Raigarh (C.G.) for the offence punishable under Section 395 of the IPC.
2. First bail was dismissed as withdrawn with liberty to file afresh after filing of the charge-sheet vide order dated 06.09.2018

passed in MCRC No. 5731/2018.

3. 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 Jeo Company and on the basis of memorandum statement of applicant Shrawan Chouhan one mobile of Micromax Company have been seized from their possession. They are in custody since 21.07.2018.
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 the report has been made against unknown persons but no test identification parade has been conducted by the prosecution. Co-accused Trinath @ Sonu Yadav, Shrawan Chouhan, Sushil Kumar Chouhan, Zila Chouhan, Suklamber Sarthi have already granted benefit of bail by this, the applicants have no criminal antecedents, they are in custody since 21.07.2018, charge-sheet has been filed and trial will likely to take some time to conclude, therefore, the applicants may be released on bail.
5. Per contra, learned counsel appearing on behalf of the State opposes the bail application.

6. I have heard learned counsel for both the parties.
7. Considering the above facts and circumstances of the case, particularly considering the fact that on the same facts Co-accused Trinath @ Sonu Yadav, Shrawan Chouhan, Sushil Kumar Chouhan, Zila Chouhan, Suklamber Sarthi have already granted benefit of bail by this Court, the applicants have no criminal antecedents, they are in custody since 21.07.2018, 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 applicants on bail.
8. Accordingly, the bail application is 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 local solvent surety in the like sum to the satisfaction of the trial Court for their appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge