

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2803 of 2019

- Rohit Kumar Sahu S/o Tulshi Ram Sahu Aged About 28 Years R/o Camp -01 Near Hanuman Mandir Chawni, Thana Chawni, District-Durg Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through The District Magistrate Durg, District-Durg, Chhattisgarh.

---- Respondent

MCRC No. 2851 of 2019

- Rohit Kumar Sahu S/o Tulshi Ram Sahu Aged About 28 Years R/o Camp-01, Near Chowk, Ward No. 19, Near Hanuman Mandir, Police Station-Chawni, District- Durg, Chhattisgarh.,

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station-Chhawni, District- Durg, Chhattisgarh.

---- Respondent

MCRC No. 2881 of 2019

- Rohit Kumar Sahu S/o Tulshi Ram Sahu Aged About 28 Years R/o Camp -01 Nehru Chowk Near Hanuman Mandir Police-Station-Chawni, District-Durg, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through The District Magistrate Durg Chhattisgarh.

---- Respondent

MCRC No. 2928 of 2019

- Rohit Kumar Sahu S/o Tulshi Ram Sahu Aged About 28 Years R/o Camp-01 Near Hanuman Mandir Nehru Chowk Camp 1 Bhilai Tehsil And District- Durg, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The District- Magistrate, Durg, Chhattisgarh.

---- Respondent

MCRC No. 2929 of 2019

- Rohit Kumar Sahu S/o Tulshi Ram Sahu Aged About 28 Years R/o Camp-01 Near Hanuman Mandir P.S. Chawni District-Durg, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The S.H.O. P.S. Pulgaon, District- Durg, Chhattisgarh.

---- Respondent

MCRC No. 2970 of 2019

- Mukesh Kumar Sharma S/o Tarkeshwar Sharma Aged About 21 Years

R/o Road No. 18, Camp 1, Bhilai, P.S. Chawni, Tehsil And District-Durg, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through District- Magistrate, District- Durg, Chhattisgarh.

---- Respondent

MCRC No. 2985 of 2019

- Mukesh Kumar Sharma S/o Tarkeshwar Sharma Aged About 21 Years
R/o Road No. 18, Camp 1, Bhilai, P.S. Chawni, Tehsil And District-Durg, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through District- Magistrate, District- Durg, Chhattisgarh.

---- Respondent

MCRC No. 3139 of 2019

- Mukesh Kumar Sharma S/o Tarkeshwar Sharma Aged About 23 Years
R/o Road No. 18, Camp1, Bhilai Police Station Chawani, Tehsil And District-Durg, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police-Station-Pulgaon, District-Durg Chhattisgarh.

---- Respondent

MCRC No. 3141 of 2019

- Mukesh Kumar Sharma S/o Tarkeshwar Sharma Aged About 23 Years R/o House No. H-10, Road No. 18, Camp 1, Bhilai Police Station Chawni, Tehsil & District-Durg, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Police-Station-Utai, District-Durg Chhattisgarh.

---- Respondent

MCRC No. 3145 of 2019

- Mukesh Kumar Sharma S/o Tarkeshwar Sharma Aged About 23 Years R/o Road No. 18, Camp 1, Bhilai Police Station Chawani, Tehsil & District-Durg, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Police Station Pulgaon, District-Durg Chhattisgarh.

---- Respondent

MCRC No. 3276 of 2019

- Rahul Vishwakarma S/o Late Madan Lal Vishwakarma Aged About 23 Years R/o Camp-01, Street No. 18, Azad Mohalla Chawni, Tahsil And District-Durg, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police-Station-Pulgaon, District-Durg, Chhattisgarh.

---- Respondent

MCRC No. 3278 of 2019

- Rahul Vishwakarma S/o Late Madan Vishwakarma Aged About 23 Years R/o Camp-01, Street No. 18, Azad Mohalla, Chawni, Tahsil And District-Durg, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through The District Magistrate, Durg Chhattisgarh.

---- Respondent

MCRC No. 3280 of 2019

- Rahul Vishwakarma S/o Late Madan Lal Vishwakarma Aged About 23 Years R/o Camp-01, Street No. 18, Azad Mohalla, Chawni, Tahsil And District-Durg, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The District-Magistrate, Durg Chhattisgarh.

---- Respondent

MCRC No. 3284 of 2019

- Rahul Vishwakarma S/o Late Madan Lal Vishwakarma Aged About 23

Years R/o Camp - 01 Street No. 18 Azad Mohalla Chawni Tehsil And District-Durg, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The SHO Police Station-Pulgaon, District-Durg, Chhattisgarh.

---- Respondent

MCRC No. 3292 of 2019

- Mukesh Kumar Sharma S/o Tarkeshwar Sharma Aged About 23 Years R/o Road No. 18, Camp 1, Bhilai, Police-Station-Chawni, Tehsil And District-Durg, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Pulgaon, District-Durg Chhattisgarh.

---- Respondent

For Applicant:	Mr. Avinash Chand Sahu, Advocate in MCRC Nos. 2803/19, 2851/19, 2881/19, 2928/19, 2929/19. Mr. Shishir Dixit, Advocate in MCRC No. 2970/19, 2985/19, 3141/19, 3139/19, 3145/19. Mr. Sanjay Kumar Agrawal, Advocate in MCRC Nos. 3276/19, 3278/19, 3280/19, 3284/19. Mr. Shishir Dixit & Mahendra Dubey, Advocates in MCRC No.3292/2019.
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For State/respondent: Mr. Avinash Kumar Mishra, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****02/07/2019**

1. Although above applications related to different crime numbers and filed by different applicants, but the same are being disposed off by this common order as they are arise out of similar type of offence committed by applicants.
2. Above applications filed under Section 439 of the Code of Criminal Procedure, 1973 are first bail applications on behalf of the applicants for grant of regular bail to them as they are in custody in connection with different crime numbers, details of which are as under:-

Sr. No	MCRC No.	Applicant Name	Crime No.	Police-station	Offences	Date of Arrest
1.	2803/2019	Rohit Kumar Sahu	395/2018	Pulgaon, District-Durg	394, 397/34 of IPC, 25,(1ख) (ख), 27 of Arms Act.	21.10.2018
2..	2851/2019	Rohit Kumar Sahu	393/2018	Pulgaon, District-Durg	394, 397/34 of IPC, 25,(1ख) (ख), 27 of Arms Act.	21.10.2018
3.	2881/2019	Rohit Kumar Sahu	327/2018	Utai, District-Durg	394, 397/34 of IPC, 25,(1ख) (ख), 27 of Arms Act.	21.10.2018

4.	2928/2019	Rohit Kumar Sahu	448/2018	Bhilai Nagar, District-Durg	392/34 of IPC.	21.10.2018
5.	2929/2019	Rohit Kumar Sahu	394/2018	Pulgaon, District-Durg	392, 397/34 of IPC, 25,(1ख) (ख), 27 of Arms Act.	21.10.2018
6.	3292/2019	Mukesh Kumar Sharma	393/2018	Pulgaon, District-Durg	394, 397/34 of IPC.	21.10.2018
7.	3139/2019	Mukesh Kumar Sharma	395/2018	Pulgaon, District-Durg	392, 397/34 of IPC.	21.10.2018
8.	3141/2019	Mukesh Kumar Sharma	327/2018	Utai, District-Durg	394, 397/34 of IPC.	21.10.2018
9.	2985/2019	Mukesh Kumar Sharma	880/2018	Supela, District-Durg	394/34 of IPC.	21.10.2018
10.	3145/2019	Mukesh Kumar Sharma	394/2018	Pulgaon, District-Durg	392, 397/34 of IPC.	21.10.2018
11.	2970/2019	Mukesh Kumar Sharma	448/2018	Bhilai Nagar, District-Durg	392, 34 of IPC.	21.10.2018
12.	3276/2019	Rahul Vishwakarma	394/2018	Pulgaon, District-Durg	394, 397/34 of IPC.	21.10.2018
13.	3278/2019	Rahul Vishwakarma	327/2018	Utai, District-Durg	394, 397/34 of IPC.	21.10.2018
14.	3280/2019	Rahul	395/2018	Pulgaon, District-	392, 397/34	21.10.2018

		Vishwakarma		Durg	of IPC.	
15.	3284/2019	Rahul Vishwakarma	393/2018	Pulgaon, District-Durg	394, 397/34 of IPC.	21.10.2018

3. It is submitted by the learned counsel for applicants that all the applicants have been falsely implicated in this case on the basis of only one memorandum statement recorded by the police. Some FIRs have been lodged subsequent to the date of recording of memorandum statement which shows concoction of case by the police. Applicants in all the cases are in jail since October, 2018 and the trial of case is likely to take time, therefore, it is prayed that the applicants in above cases may be enlarged on regular bail.
4. On the other hand, learned counsel for the State opposes the bail applications and the submission made in this respect. It is submitted that the applicants in all these cases have committed numerous offences of similar nature which shows that they are habitual offenders, hence, their applications be rejected.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. (1). In Crime No.395/2018, it is alleged that applicants have looted mobile and tablet from complainant Bharat Nishad which was subsequently recovered from possession of applicants.

(2). In Crime No.393/2018, one mobile phone & gold chain of complainant Pranay Chandrakar was looted and the same has been recovered and seized from applicants in the course of investigation.

(3). In Crime No.327/2018, mobile and ATM card of complainant Sishupal Verma was looted by the applicants, which were subsequently from the possession of applicants.

(4). In Crime No.394/2018, one mobile phone and cash of Rs.8,000/- of complainant Leeladhar Sinha was looted, which was recovered and seized from the possession of the accused by the police.

(5). In Crime No.880/2018, cash of Rs.6315/- & railway ticket of complainant Hemant Kumar Gilhare was looted and the same were recovered subsequently from possession of applicants.

(6). In Crime No.448/2019, gold chain and mobile worth Rs.20,000/ of complainant Raja Mongali was looted. Subsequently, accused persons were arrested and mobile & cash were recovered at their instance.

7. Looking to the multiplicity of offence registered and pending against these applicants, it appears that they are habitual offenders engaged in commission of crimes, therefore, I do not feel inclined to allow application in all these cases.

8. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge