

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2433 of 2019

1. Suraj Kumar Korram S/o Sukhdev Singh Korram, Aged About 23 Years, R/o Village Tewapar (Talapar), Police Station- Pali, District- Korba, Chhattisgarh., District : Korba, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station- Dipka, District- Korba, Chhattisgarh., District : Korba, Chhattisgarh

---- Non-applicant

MCRC No. 4367 of 2019

1. Ishwar Singh S/o Dhan Singh Tekam, Aged About 24 Years, R/o Village Damiya, Police Station- Pali, District- Korba, Chhattisgarh., District : Korba, Chhattisgarh
2. Mahesh Das Vaishnav @ Pappu S/o Shanker Das Vaishnav, Aged About 28 Years, R/o Shanti Nagar, Pali, Police Station- Pali, District- Korba, Chhattisgarh., District : Korba, Chhattisgarh
3. Purushottam Yadav S/o Bhujbal Yadav, Aged About 28 Years, R/o Bagdabri, Police Station Baloda, District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Applicants

Versus

- State of Chhattisgarh Through Station House Officer, Police Station- Dipka, District- Korba, Chhattisgarh., District : Korba, Chhattisgarh

--- Non-applicant

For Applicant(s) – Shri Dharmesh Srivastava, Advocate (in MCRC No.2433 of 2019),
Shri S.R.J. Jaiswal, Advocate (in MCRC No.4367 of 2019).
For Non-applicant/State – Shri Lav Sharma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

08-07-2019

1. As both these applications arise out of the same crime number, i.e., Crime No.213/2018 registered at P.S. Dipka, District Korba, Chhattisgarh, they are being decided by this common order.
2. MCRC No.2433 of 2019 has been filed under Section 439 of the Cr.P.C. by applicant Suraj Kumar Korram for grant of regular bail as he has been arrested on 11-01-2019 in connection with aforesaid crime number for offence

under Section 447, 395, 398, 353, 332 of the IPC and Section 25, 27 of Arms Act.

3. MCRC No.4367 of 2019 has been filed under Section 439 of the Cr.P.C. by applicants Ishwar Singh, Mahesh Das Vaishnav @ Pappu and Purushottam Yadav for grant of regular bail as they have been arrested on 14-01-2019, 22-02-2019 and 10-02-2019 respectively in connection with aforesaid crime number for offence under Section 447, 395, 398, 353, 332 of the IPC and Section 25, 27 of Arms Act and Section 3 of Prevention of Damages to Public Property Act.

4. It is submitted by learned counsel for applicant Suraj Kumar Korram that this applicant has been falsely implicated in this case. Although offences under Section 395 and 398 of the IPC have been registered, but, there is no evidence to make out these offences. Similar three cases were registered against this applicant, out of which, this applicant has been released on bail in two cases by the Courts concerned. Therefore, on this basis it is prayed that this applicant may be granted bail. Learned counsel for applicants in MCRC No.4367 of 2019 submits that applicants Ishwar Singh, Mahesh Das Vaishnav @ Pappu and Purushottam Yadav have also the similar case. Therefore, it is prayed that all these applicants may be granted regular bail.

5. Learned counsel for the State/non-applicant opposes the applications and submits that there is previous cases against applicant Suraj Kumar Korram. Hence, the applications may be rejected.

6. Heard learned counsel for the parties and perused the case diary.

7. According to the prosecution case, on the date of incident these applicants with other co-accused persons committed theft of diesel oil from a vehicle in SECL area, when they were chased by the persons in-charge and in watch it is alleged that these applicants brandished sword and knife to make their

escape. Hence, this case.

8. After considering the facts and circumstances of this case and for the reason that applicant Suraj Kumar Korram has been granted bail in other similar cases against him and present one is only case against applicants Ishwar Singh, Mahesh Das Vaishnav @ Pappu and Purushottam Yadav, further, the charge sheet has been filed before the Court below, I feel inclined to allow both these applications.

9. Consequently, both these applications filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail are hereby allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.

10. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge