

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4189 of 2019**

Deepak Dhruw S/o Rajendra Dhruw Aged About 20 Years R/o Village Upara, Police Chouki Kandarka, Police Station Berla, District Bemetara Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Berla, District Bemetara Chhattisgarh.

---- Respondent

AND

MCRC No. 4201 of 2019

1. Durgesh Yadav & Anr. S/o Domaar Yadav Aged About 20 Years R/o Village - Uffra, Chowki - Kandarka, Police Station - Berla, District - Bemetara Chhattisgarh.
2. Milan @ Gajni S/o Ballu Yadav, Aged About 26 Years R/o Village - Uffra, Chowki - Kandarka, Police Station - Berla, District - Bemetara Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Berla, District - Bemetara Chhattisgarh.

---- Respondent

For Applicant (In MCRC No.4189/2019) : Mr. Tarun Dansena, Advocate.

For Applicant (In MCRC No.4201/2019) : Mr. Sanjeev Kumar Sahu,
Advocate.

For Respondent/State : Mr. K.K. Dewangan, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

01/08/2019

1. Heard.
2. Since both the cases arise out of same Crime Number, therefore they are being disposed of by this common order.

3. Counsel for the Applicant No.1 submits that Applicant No.1 namely Durgesh Yadav (in MCRC No.4201/2019) has died in jail therefore, he doesn't want to press this application with regard to Applicant No.1.
4. The Applicants have preferred their first bail applications under Section 439 of Cr.P.C. for grant of regular bail as they are arrested in connection with crime No. 103/2019, registered at Police Station – Berla, District-Bemetara (C.G.) for the offence punishable under Sections 394, 395/34 of IPC.
5. As per the prosecution story, on 12.03.2019 at around 08:00 P.M. when complainant Surendra Singh was returning from village Godgiri and after some time when he reached between village Khamtarai and Harda at that time 4-5 persons came on two motor cycles. They have looted Rs.35,000/- cash and one mobile phone of techno company from the complainant. They have also assaulted him with hand and fist due to that complainant sustained injuries. The matter was reported by complainant and on the basis of said complaint offence has been registered. During course of investigation and on the basis of memorandum statement of Applicant No.2 Milan Alias Gajni (in MCRC No.4201/2019) Rs.4,000/- have been seized from him and Rs.2,500/-, one motor cycle which was used for committing offence has been seized from the Applicant Deepak Dhruw (in MCRC No.4189/2019). Applicant Deepak Dhruw (in MCRC No.4189/2019) was arrested on 14.03.2019 and Applicant No.2 (in MCRC No.4201/2019) was arrested on 15.03.2019.
6. Learned Counsel Mr. Tarun Dansena appearing on behalf of the Applicant Deepak Dhruw (in MCRC No.4189/2019) submits that the Applicant is innocent and has been falsely implicated in the present case. He further submits that the FIR has been lodged against unknown person, during TIP the complainant has not identified present Applicant. Learned counsel Mr. Sanjeev Kumar Sahu appearing on behalf of Applicant No.2 namely Milan @ Gajni (in MCRC No.4201/2019) submits that the Applicant is innocent and has been falsely implicated in the present case. He further submits that as per prosecution story, he has been arrested on 15.03.2019 and seizure has also been made on 15.03.2019, but TIP is conducted on

08.06.2019. Thus, whole TIP proceeding become suspicious. Both the counsel for the Applicants further submit that the Applicants have no criminal antecedents and in both the cases charge sheet has already been filed and the Applicant (in MCRC No.4189/2019) is in custody since 14.03.2019 and Applicant No.2 (in MCRC No.4201/2019) is in custody since 15.03.2019. Therefore, they may be released on bail.

7. Per contra, learned Counsel appearing on behalf of the State opposes the bail applications.
8. I have heard learned Counsel for the parties and perused the case diary with due care.
9. Considering the facts and circumstances of the case, particularly considering the fact that the Applicant (in MCRC No.4189/2019) is in custody since 14.03.2019 and Applicant No.2 (in MCRC No.4201/2019) is in custody since 15.03.2019 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.
10. Accordingly, the bail application is allowed with regard to Applicant (in MCRC No.4189/2019) and Applicant No.2 (in MCRC No.4201/2019).
11. 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 concerned Trial Court for their appearance before the said Court as and when directed.

Sd/-

(Arvind Singh Chandel)
Judge