

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4665 of 2019

1. Prince Rajput S/o Sudheer Singh Rajput, Aged About 19 Years, R/o Bambay Awas Urla Durg, P.S. Mohan Nagar, Tahsil and District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Applicant

Versus

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

---- Non-applicant

MCRC No. 4684 of 2019

1. Ankush Nayak S/o Shri Lalman Nayak, Aged About 19 Years, R/o Near Jaikaran Mobile, Titurdeeh, P.S. Mohan Nagar, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Applicant

Versus

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

--- Non-applicant

For Applicants– Mr. Avinash Chand Sahu, Advocate.

For Non-applicant/State – Ms. Akansha Jain, Deputy Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

21-08-2019

1. As both these applications arise out of the same crime number, i.e., Crime No.167/2019 registered at P.S. Mohan Nagar, District Durg, Chhattisgarh for offence under Section 394 of the IPC and Section 25 of Arms Act, they are being decided by this common order.
2. MCRC No.4684 of 2019 has been filed by applicant Ankush Nayak and MCRC No.4665 of 2019 has been filed by applicant Prince Rajput for grant of regular bail under Section 439 of the Cr.P.C. as applicant Prince Rajput has been arrested on 05-05-2019 and applicant Ankush Nayak has been arrested on 06-05-2019 in connection with aforesaid crime number and offence.
3. It is submitted by learned counsel for applicants that these applicants

have been falsely implicated in this case. Applicant Prince Rajput is in jail since 05-05-2019 and applicant Ankush Nayak is in jail since 06-05-2019. Charge sheet has been filed after completion of the investigation. The case is triable by the JMFC. The applicants have not committed any offence. Therefore, it is prayed that they may be granted bail.

4. Learned counsel for the State/non-applicant opposes the applications submitting that there is one previous criminal antecedent of applicant Prince Rajput who is being prosecuted for offence under Section 302 of the IPC before the Juvenile Justice Board. Both the applicants were identified in the TIP. Therefore, the applications may be rejected.

5. In reply, it is submitted by learned counsel for the applicants that applicant Prince Rajput is on bail in the previous case and is facing trial before the Juvenile Justice Board.

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

7. The FIR has been lodged by one Rahul Banchhore, that on the date of incident three unknown boys looted from his possession, at the point of knife one mobile and cash Rs.400/-. After lodging of the FIR during investigation the stolen mobile phone was recovered from applicant Prince Rajput and cash of Rs.200/- was recovered from applicant Ankush Nayak.

8. The case is now pending for trial, both the applicants are young man of tender age and the case is triable by the JMFC, therefore, 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

Aadil