

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4610 of 2019

1. Virabhimanyu @ Monu, S/o Jayprakash, Aged About 22 Years, R/o Pradhanpur, Police-Station-Rasda, District-Baliya, Uttar Pradesh.
2. Sandeep Sahni, S/o Shivchand Sahni, Aged About 23 Years, R/o Nagpura, Police-Station-Chitabadagaon, District-Baliya, Uttar Pradesh.

---- Applicants

Versus

1. State Of Chhattisgarh Through Station House Officer, Police Station Raghunathnagar, District Balrampur- Ramanuganj Chhattisgarh.

---- Respondent

&

MCRC No. 4801 of 2019

- Shyam Bihari Jaiswal, S/o Ram Vichar Jaiswal, Aged About 51 Years, R/o Village-Janakpur, Police-Station-Raghunath Nagar, District-Balrampur Ramanujganj Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Police-Station Raghunath - Nagar, District-Balrampur Ramanujganj Chhattisgarh.

---- Respondent

For Applicants	:	Mr. Sangeet Kumar Kushwaha, Advocate in MCRC No.4610/2019.
		Mr. Manoj Mishra, Advocate in MCRC No.4801/2019.

For Respondent : Mr. Sanjay Pathak, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

06/09/2019

1. Since the above bail applications arise out of the same crime number, they are being disposed of by this common order.
2. Both these applications filed under Section 439 of the Code of Criminal Procedure, 1973 are the first bail applications on behalf of the applicants for grant of regular bail to them as they are in custody in connection with Crime No.48/2019 registered at Police Station-Raghunathnagar, District – Balrampur-Ramanujganj(C.G.) for the offence punishable under Sections 457 & 380 of Indian Penal Code (for short 'IPC').
3. Learned counsel for the applicants submits that applicants are innocent and have been falsely implicated in this case. These applicants have not committed any offence. They have been falsely implicated. Charge-sheet has been filed after completion of investigation, hence, it is prayed that they may be released on regular bail.
4. Learned counsel for the respondent/State opposes the applications and submissions made in this respect. It is submitted that applicant Sandeep Sahni has a criminal history of having being prosecuted in two cases of similar nature and he is also resident of Uttar Pradesh. Further, it is also submitted that applicant Virabhimanyu is also resident of Uttar Pradesh, therefore, they are not entitled for grant of regular bail.
5. Heard both the parties and perused the case diary.

6. FIR has been lodged by complainant Tarachand Gupta regarding theft of jewellery and cash worth Rs.11,15,000/- from his house. During investigation, all the applicants were apprehended and in the investigation, recovery of stolen articles has been made.
7. Considering that the charge-sheet has been filed, applicants Virabhimanyu @ Monu in M.Cr.C. NO.4610 of 2019 and Shyam Bihari Jaiswal in MCRC No.4801 of 2019 do not have any criminal antecedent, therefore, I feel inclined to allow the application of applicant Virabhimanyu @ Monu & Shyam Bihari Jaiswal. However, looking to the previous cases against the applicant Sandeep Sahni in MCRC No.4610 of 2019, he does not appear to be entitled for grant of regular bail.
8. Accordingly, the bail applications of applicant Virabhimanyu @ Monu in MCRC No.4610 of 2019 & Shyam Bihari Jaiswal in MCRC No.4801 filed under Section 439 of the Cr.P.C. are allowed. It is directed that applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/-each with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.
9. So far as, the application of applicant Sandeep Sahni in MCRC No.4610 of 2019 is rejected.

Sd/-
(Rajendra Chandra Singh Samant)
Judge