

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5236 of 2019

1. Ram Avataar Jagat, S/o Shri Vidwan Jagat, Aged About 20 Years R/o Village Maadanpali, Tehsil & Police-Station-Pali, District-Korba, Chhattisgarh.
2. Vijay Kumar Maravi S/o Shri Bhanwar Singh, Aged About 23 Years R/o Village-Maadanpali, Tehsil & Police-Station-Pali, District-Korba, Chhattisgarh.

---- Applicants

Versus

1. State of Chhattisgarh Through Police Station G.R.P. Bilaspur, District-Bilaspur, Chhattisgarh.

---- Respondent

MCRC No. 5327 of 2019

1. Raja Jagat, S/o Shri Satyawan Jagat, Aged About 30 Years R/o Village Maadanpali, Tehsil & Police Station- Pali, District-Korba, Chhattisgarh.

---- Applicant

Versus

1. State of Chhattisgarh Through Police Station G.R.P. Bilaspur, District-Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Pawan Shrivastava Advocate
For State/respondent	: Mr. Arijit Tiwari, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

20/09/2019

1. Since the above bail applications arise out of the same crime number, they are being disposed of by this common order.
2. These are the first bail applications filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicants for grant of regular bail to them as they are in custody in connection with Crime No.96/2019 registered at Police-Station-G.R.P., Bilaspur, District-Bilaspur(C.G.) for the offence punishable under Section 379, 201, 342, 120B, read with Section 34 of IPC.
3. It is submitted by the learned counsel for the applicants, that the applicants have been falsely implicated in this case. It is submitted that they are in jail since 4.7.2019. These applicants have not committed any offence and they have been made an accused only on the basis of the memorandum statement given by Parmanand Soni. Apart from that there is no evidence against these applicants, hence, it is prayed that applicants be granted regular bail.
4. On the other hand, learned counsel for the State opposes the bail applications and the submissions made in this respect. It is submitted that it is a case of theft of huge quantity of silver, therefore, application be rejected.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. According to prosecution case, on the date of incident when the complainant arrived on Akaltara Railway station by train, two unknown persons in police uniforms arrested him and asked him to come to

G.R.P. Station and, thereafter, with the help of two others they took in their possession the belongings of the complainant of 97kg silver jeweleries worth Rs.36, 86,000/-. After lodging of FIR, one co-accused was arrested and interrogated and articles have been recovered of his possession in the memorandum statement given by him these applicants have been made accused in this case.

7. Considering that the case as triable by JMFC and there is no recovery from these applicants and that they have no criminal antecedents, I feel inclined to allow the applications of these applicants.
8. Accordingly, the bail applications filed under Section 439 of Cr.P.C. are allowed. It is directed that the applicants shall be released on bail on their furnishing a personal bond for a 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha