

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5464 of 2019

- Vikram Yadav S/o Ratan Yadav Aged About 20 Years Caste Bargah, R/o Bisunpur (Khurd) Police Station Jai Nagar, Tahsil And District Surajpur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Jai Nagar, District Surajpur Chhattisgarh.

---- Respondent

MCRC No. 5824 of 2019

- Shani Mukherjee @ Pappu S/o Ravi Mukherjee Aged About 23 Years Occupation - Labour, R/o Village Bishunpur Khurd, Police Station Jainagar, Tahsil And District Surajpur Chhattisgarh.

----Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station, Jainagar, District Surajpur Chhattisgarh.

---- Respondent

For Applicants : Mr. Gyan Prakash Shukla with Mr. P.K. Patel,
Advocate.
For Respondent/State : Ms. Akshara Amit, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

17/10/2019

1. Since both the petitions (MCRC Nos. 5464/2019 & 5824/2019) arise out of the same Crime No.(99/2019), they are being disposed of by this common order.
2. The applicants have preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as they are arrested in

connection with crime No. 99/2019, registered at Police Station – Jainagar, District Surajpur (C.G.) for the offence punishable under Section 394/34 of IPC.

3. In this case, there are total five accused persons. According to the prosecution story, on 21.04.2019, complainant Sanjay Singh Paikra and his companion namely Bisnu Kumar Yadav were looted by present applicant along with other co-accused persons. They were looted two mobile phones and cash of Rs. 1,000/- from the complainant and his companion. Immediately after the incident, on 21.04.2019 itself, FIR has been lodged by the complainant. On the basis of said report, offence has been registered. During the course of investigation, Rs. 1,00/- have been seized from the possession of applicant namely Vikram Yadav and one looted mobile and Rs. 100/- cash has been seized from the applicant Sani Mukherjee @ Pappu. The applicants have been arrested on 24.04.2019.
4. Learned counsel appearing on behalf of the Applicants submits that the Applicants are innocent and have been falsely implicated in the case. He further submits that applicants are in custody since 24.04.2019. They have no previous antecedent and trial will take some time. The other co-accused namely Ravishankar Ekka has already been granted bail by this Court vide order dated 31.07.2019 in MCRC No. 3999/2019, therefore, they may be released on bail.
5. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
6. I have heard learned Counsel for the parties.
7. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the Applicants have no criminal antecedent and they are in custody since 24.04.2019, charge-sheet has already been filed, and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release them on bail.

8. Accordingly, the bail application is allowed.
9. It is directed that the applicants shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- each with one solvent surety for the like amount to the satisfaction of the Trial Court for their appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge