

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5465 of 2019

- Loknath Chouhan S/o Dev Singh Chouhan Aged About 34 Years R/o Village Shrirampur, Police Station Sankara, Tahsil Pithora, District Mahasamund Chhattisgarh.,

---- Appellant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Sankara, District Mahasamund Chhattisgarh.

---- Respondent

MCRC No. 5762 of 2019

- Ishwar Chouhan S/o - Pilaru Chouhan Aged About 36 Years R/o - Village Shrirampur, Police Station Sankara, Tahsil Pithora, District Mahasamund Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Sankara, District Mahasamund Chhattisgarh.

---- Respondent

MCRC No. 6311 of 2019

- Faggu Singh Sagar S/o Baratu Sagar Aged About 49 Years Caste - Ganda, R/o Village Bijemal, Police Station Sankara, Tahsil Pithora, District Mahasamund Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Sankara, District Mahasamund Chhattisgarh.

---- Respondent

For Applicants : Mr. Raghvendra Pradhan, Advocate.
For Respondent/State : Mr. B.L. Sahu, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

17/10/2019

1. Since all the petitions (MCRC Nos. 5465/2019, 5762/2019 & 6311/2019) arise out of the same Crime No.(383/2019), 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. 383/2019, registered at Police Station – Sankara, District Mahasamund (C.G.) for the offence punishable under Sections 457, 380, 342 & 34 of IPC.
3. In this case, there are total six accused persons. On 03.02.2019, one Brijlal Sahu lodged an FIR alleging therein that on the same day, at about 4 PM, six persons entered his house. At that time, his niece namely Anisha and two other persons were in the house. Allegedly, all these persons locked Anisha inside the Kitchen and, thereafter, they stole cash amount of Rs. 50,000/- and other articles from his house. On the basis of this report, offence have been registered. During the course of investigation, some of stolen articles and cash have been seized from the possession of applicants. During TIP also, applicants have been identified by one Narendra Sahu. On the basis of this, the applicants have been arrested on 17.07.2019.
4. Learned counsel appearing on behalf of the Applicants submits that the Applicants are innocent and have been falsely implicated in the crime in question. Prima facie, no evidence available on the record. He further submits that, during TIP, one Narendra Sahu identified the present applicants but Narendra Sahu was not present on the spot at the time of incident. Therefore, that TIP is not acceptable. He further submits that applicants are in custody since 17.07.2019. Charge-sheet have already been filed. They have no previous antecedent and trial will take some time, 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 17.07.2019, 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