

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 8324 of 2019**

Sumit Prajapati, Age – 19 years, S/o – Shri Ravilal Prajapati, R/o : Ward No. -05, Pithora, Police Station - Pithora, Tahsil – Pithora & Distt. Mahasamund (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through – P.S. - Patewa, Tahsil – Pithora, Civil & Revenue Distt. Mahasamund (C.G.)

----Non-applicant

M.Cr.C. No. 748 of 2020

Ravi Kumrani, S/o Late Shri Suresh Kumrani, Aged about 32 years, R/o Ward No. 5 Ransagarpara Pithora, P.S. Pithora, Tehsil and District Mahasamund (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through: P.S. Patewa, District – Mahasamund (C.G.)

----Non-applicant

For Applicants	:	Mr. Jameel Akhtar Lohani, Advocate in M.Cr.C. No. 8324/2019 & Mr. Ghanshyam Kashyap, Advocate in M.Cr.C. No.748/2020
For Non-applicant/State	:	Mr. Anurag Verma, Panel Lawyer.

Hon'ble Smt. Justice Rajani Dubey**Order On Board**

06/02/2020

(1) Above mentioned both the bail applications filed under Section 439 of the Cr.P.C. arise out of a common Crime No. 196/2019, registered at Police Station Patewa, District Mahasamund, for the offence punishable under Sections 457, 380 read with Section 34 of the Indian Penal Code, therefore, they are being heard analogously and decided by this common order. [For the sake of convenience, M.Cr.C. No. 8324 of 2019 would be taken up

as lead case].

(2) Case of the prosecution, in nutshell, is that on 13.11.2019, complainant Vijay Kumar Chaturvedi made a written complaint stating that he used to private practice as doctor at Vrindawan Colony, Turidih Jhalap. It is alleged that he went to Village Manpur along with his family members on the eve of 'Devauthani' (Ekadashi) between 8.11.2019 to 11.11.2019 and when they returned from there on 11.11.2019, they found the door lock was break-opened and found that some unknown persons committed theft of old-ornaments worth Rs.60,000/-, silver ornaments worth Rs.10,000/- and cash amount of Rs.1,200/- in total Rs.71,200/- and thereby committed the aforesaid offences.

(3) Counsel for the applicants would submit that the applicants have falsely been implicated in the crime in question as there is no incriminating material available on record to connect the applicants with the crime in question. He submits that applicants are languishing in jail since 26.11.2019 & 23.11.2019 and as the trial is likely to take some time for its final disposal and no further custodial interrogation is required, therefore, the applicants are entitled to be released on bail.

(4) On the other hand, counsel for the State opposes the bail application.

(5) I have learned counsel appearing for the parties and perused the case dairy with utmost circumspection.

(6) Taking into consideration the nature and gravity of the offence, further considering the facts that applicants are languishing in jail since 26.11.2019 & 23.11.2019, respectively; trial is likely to take some time for its final disposal and no further custodial interrogation is required; without further commenting on merits, I am inclined to release the applicants on bail. Accordingly, both the bail applications are allowed.

(7) Accused/applicants are directed to be released on bail on each of them executing a personal bond in the sum of Rs. 50,000/- with one surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given to them by the said Court.

Certified copy, as per rules.

Sd/-

(Rajani Dubey)
Judge

Dubey/-

