

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 8258 of 2019**

1. Lavkesh Patel, son of Chhotelal Lal Patel, aged about 32 years, Caste Kurmi,
2. Kinnu @ Krishna Yadav, son of Thakur Ram Yadav, aged about 27 years, Occupation - Agriculture

Both are Resident of Village Lamatola (Kotma), Police Station and Tahsil Kotma, District Anuppur (Madhya Pradesh) (In jail)

---- Applicants**Versus**

State of Chhattisgarh, Through : the Station House Officer, Police Station Ramanujnagar, District Surajpur (C.G.)

----Non-applicant**M.Cr.C. No. 956 of 2020**

Banshilal Patel, son of Komal Patel, aged about 36 years, Occupation Labour, Caste Kurmi, Resident of Lamatola (Kotma), Police Station and Tahsil Kotma, District Anuppur (Madhya Pradesh) (In jail)

---- Applicant**Versus**

State of Chhattisgarh, Through : the Station House Officer, Police Station Ramanujnagar, District Surajpur (C.G.)

----Non-applicant

For Applicants	:	Mr. V.K. Pandey, Advocate.
For Non-applicant	:	Mr. Anil Tripathi, Panel Lawyer.

Hon'ble Smt. Justice Rajani Dubey**Order On Board****10/02/2020**

(1) Above mentioned both the bail applications filed under Section 439 of the Cr.P.C. arise out of a common Crime No. 100/2017, registered at Police Station Ramanujnagar, District Surajpur (C.G.) for the offence punishable under Section 457 & 380 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. 8258 of 2019 is taken up as lead case)

(2) Case of the prosecution, in brief, is that complainant Santosh Singh has lodged a report alleging inter alia that some unknown persons have committed theft of 48 pieces of batteries installed in the BSNL Tower on 23.05.2017. On the basis of the aforesaid information, the police has registered the offence against the unknown persons and thereafter, during the course of investigation, the prosecution has made accused to the applicant and two other co-accused persons and they have been arrested.

(3) Learned counsel appearing appearing for the applicants would submit that applicants have been falsely implicated in the crime in question as there is no evidence on record to connect the applicants with the crime in question. He submits that the applicants are in custody since 13.11.2019; no useful purpose would be served in further detaining them in jail; trial is likely to take some time for its final disposal and no custodial interrogation is required and, therefore, the applicants may be released on bail.

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

(5) Taking into consideration the nature and gravity of the offence, further considering the facts that applicants are in detention since 13.11.2019, trial is likely to take some time for its final disposal and no custodial interrogation is required, I am inclined to release the applicants on bail. Accordingly, all the bail applications are allowed.

(6) 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.

Sd/-

(Rajani Dubey)
Judge

