

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1010 of 2020**

- Tikesh Mahar S/o Jaikaran Mahar Aged About 25 Years R/o Village Sahaspur, Police Station And Tahsil Khairagarh, District Rajanandgaon Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through P.S. Khairagarh, District Rajnandgaon, Chhattisgarh

---- Respondent

&**MCRC No. 1398 of 2020**

- Vikash Yadav S/o Late Paras Yadav Aged About 19 Years R/o Amlipara, Khairagarh, Police Station And Tahsil Khairagarh District Rajnandgaon Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Khairagarh, District Rajnandgaon Chhattisgarh

---- Respondent

For Applicants	:	Shri Rakesh Pandey and Shri Tarun Dadsena, Advocates
For State	:	Shri Alok Bakshi, Addl. Adv. Gen.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****18/03/2020**

Heard.

This order shall govern disposal of aforesaid two bail applications as they arise out of the same crime number.

1. The applicants have been arrested in connection with Crime No.10/2020 registered at Police Station – Khairagarh, District – Rajnandgaon (C.G.) for alleged commission of offences under Section 457, 34 of IPC.

2. Case of the prosecution is that the applicants were found breaking locks of the houses and thereby committed offence of lurking house trespass.

3. Learned counsel for the applicants submit that the applicants have been caught only on suspicion and no prosecution witness has actually seen the applicants breaking the locks of the house. He would next submit that no valuable articles / items are alleged to have been stolen by the applicants. He further submits that the investigation is complete, charge sheet has been filed and the applicants are in jail since 01/04/2020 and 05/01/2020 respectively. Therefore, at this stage, they may be granted bail.

4. Learned State counsel, however, opposes bail application and submits that a *prima facie* case is made out because when the applicants were running in the night, one of the prosecution witnesses caught hold of them and rod was also seized from their possession.

5. Taking into consideration the submission of learned counsel for the parties, particularly, taking into consideration the submission that the witnesses have not seen the applicants breaking the lock and they were caught on suspicion and further that, except breaking of lock, no articles / items are alleged to have stolen and further considering that investigation is complete, charge sheet has been filed and no history of commission of similar offence is stated before the Court, I am inclined to grant bail to the applicants.

6. Accordingly, the bail applications are allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- along with two local sureties for the like amount to the satisfaction of the Trial Court on the condition that -

- a) They shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
- b) They shall not in any manner, tamper with the prosecution witnesses.

In case, any other offence is registered against the applicants, it would be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge