

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5262 of 2020

- Mohammad Abu Nasar @ Indu, S/o Mohammad Abu Swayal, Aged About 32 Years R/o Jai Bhagwan Gali Mohalla, Darri, Police Station Darri, Tahsil Katghora, District- Korba Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Out Post CSEB, Police of Police Station Kotwali, District :Korba Chhattisgarh

MCRC No. 5185 of 2020

- Meer Abdul Hasan, S/o Meer Hasnain Hasan, Aged About 31 Years R/o Village Tivarta Deepka, Tahsil Katghora, District : Korba, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Chouki CSEB, Korba, Police Station Kotwali, Korba, District : Korba, Chhattisgarh

---- Respondent

MCRC No. 5270 of 2020

- Mohd. Mustak @ Gudda, S/o Ali Akbar, Aged About 36 Years R/o Village Kuchena Police Station Kotwali, Korba District : Korba, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer Outpost CSEB, Police of Police Station Kotwali, Korba, District : Korba, Chhattisgarh

---- Respondent

For Applicant : Shri Anil Gulati, Advocate in M.Cr.C. \Nos.
5262/2020 and 5270/2020 and Shri Vikas
Pandey, Advocate in M.Cr.C. No.5185/2020.
For Respondent : Shri Devendra Pratap Singh, Dy.AG

Hon'ble Smt. Justice Rajani Dubey

Order on Board

19/08/2020

As both the MCRCs arise out of same crime number, they are being heard and disposed of by this common order.

The accused/applicants have moved these bail applications under Section 439 of the Code of Criminal Procedure for releasing them on regular bail during trial in connection with Crime No.559/2020 registered at Police Station – Outpost CSEB, PS Kotwali, District Korba (C.G.) for the offence punishable under Sections 457,380 and 411/34 of the IPC.

It is the case of the prosecution that the applicant in M.Cr.C. No. 5262/2020 was holding the stolen property whereas the applicants in other two M.Cr.Cs. have committed robbery by breaking open the lock of the pump house and stolen the transformer cable, cable box and other parts, MRU panel of city unit, coper wire, starter and lead wire.

Counsel for the applicants submit that the applicants have been falsely implicated in the crime in question. They submit that as the applicants are in custody since 23.07.2020, 16.07.2020 and 26.07.2020 respectively and the trial is likely to take some time for its final disposal, they may be released on bail.

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

Considering the facts and circumstances of the case, in particular, the nature of allegations against the applicants, I am of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.

Accordingly, the applications filed under Section 439 Cr.P.C. are allowed. It is directed that the applicants in M.Cr.C. Nos. 5262/2020 and 5270/2020 shall be released on bail on each of them furnishing a personal bond in sum of Rs.50,000/- with one surety each in like sum to the satisfaction of the concerned trial Court for their appearance before the said Court as and when directed till the disposal of the trial.

However, the applicant in M.Cr.C. No. 5185/2020 shall be released on bail on his furnishing a personal bond in the sum of Rs. 1,00,000/- with one surety in the like sum to the satisfaction of the trial court for his appearance before the said court as and when directed till the disposal of the trial.

Sd/-
(Rajani Dubey)
Judge