

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5745 of 2020

Rajesh Yadav S/o Rajkumar Yadav Aged About 22 Years R/o Rajendra Nagar, Urla, Police Station Urla, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Urla, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Respondent

MCRC No. 6287 of 2020

1. Milan Nishad S/o Budhram Nishad Aged About 19 Years Resident Of Satnam Chowk Urla, District - Raipur (Chhattisgarh), District : Raipur, Chhattisgarh
2. Tulendra Sahu, S/o Kumar Sahu, Aged About 22 Years Resident Of Rawanbatha, Near Water Tank Urla, Police-Station Urla, District - Raipur (Chhattisgarh), District : Raipur, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through It's Police-Station - Urla, District - Raipur (Chhattisgarh), District : Raipur, Chhattisgarh

---- Respondent

For Applicant in MCRC 5745 of 2020	:	Shri Pradeep Singh Rathore, Advocate
For Applicant in MCRC 6287 of 2020	:	Shri Rekhraj Baghel, Advocate
For State	:	Shri Dinesh Tiwari, Dy. Govt. Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

19/10/2020

Heard.

1. MCRC No. 5745 of 2020 and MCRC No. 6287 of 2020 are being disposed off

by this common order as both the applications arise out of same crime number.

2. The applicants are arrested in connection with Crime No.223/2020 registered in Police Station – Urla, District -Raipur (CG) for alleged commission of offence under Sections 399, 400 IPC and Section 25 of the Arms Act.
3. Case of the prosecution, in brief, is that the present applicants and other two accused were apprehended while preparing dacoity plan in the night. It is alleged that they were possessed of weapons like *katta*, *khukuri*.
4. Learned counsel for the applicants would submit that the applicants have been falsely implicated. They have neither committed any offence nor was there any planning to commit dacoity. Learned counsel submits that the applicants are in jail since 9.7.2020, investigation is complete and charge sheet has been filed and there are no criminal antecedents of committing similar offence, therefore, the applicants may be granted bail.
5. On the other hand, learned counsel for the State opposed the bail application by submitting that the fact that in the midnight, the applicants were found possessed of *katta*, *khukuri* and knife has been made a basis to allege that they were preparing for dacoity.
6. Taking into consideration the submissions made by learned counsel for the parties, considering that present is a case of allegation of preparation to commit offence of dacoity, but no dacoity has actually taken place and further that there is nothing in the case diary to show that the applicants have criminal antecedents of commission of similar offence and that the investigation is complete and charge sheet has been filed, I am inclined to grant bail to the present applicants.
7. The application is accordingly 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 each of Rs.25000/-, to the satisfaction of the concerned trial Court, with following further conditions:-
 - (i) The applicants shall not act in any manner which will be prejudicial to fair and expeditious trial; and

(ii) The applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-
(Manindra Mohan Shrivastava)
Judge