

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8207 of 2019**

1. Amit Verma, S/o Shri Chhotu Ram Verma, Aged About 20 Years, R/o Village Chhapora, P.S. Nevra, District- Raipur, Chhattisgarh.
2. Dhan Sai Sahu, S/o Mant Ram Sahu, Aged About 25 Years, R/o Village Chhapora, P.S. Nevra, District- Raipur Chhattisgarh.

---- Applicants**Versus**

- State of Chhattisgarh, Through Station House Officer, P.S.- Suhela, Baloda Bazar, District- Baloda Bazar- Bhatapara, Chhattisgarh.

---- Respondent**With****MCRC No. 8332 of 2019**

- Lala Ram, S/o Sohan Bhatt, Aged About 31 Years, R/o Vill- Chhapora (Wrongly Mention Chhapaye In Order of Trial Court), P.S.- Nevra, District- Raipur Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh, Through S.H.O., P.S.- Suhela, District- Baloda Bazar- Bhatapara Chhattisgarh.

---- Respondent

For Applicants : Shri Ravindra Sharma, Adv.

For Respondent/State : Shri Akhtar Hussain, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****04.02.2020**

1. As all both MCRCs arise out of same crime number, they are being heard and disposed of by this common order.
2. The accused/applicants have moved this Second bail application under Section 439 of Criminal Procedure Code for releasing them on regular bail during trial in connection with Crime No. 148/2019

registered at Police Station- Suhela, Baloda Bazar, District- Baloda Bazar- Bhatapara, (C.G.) for the offence punishable under Section 395, 34 of I.P.C.

3. The first bail application of the applicants was dismissed as withdrawn on 06.08.2019 with liberty to revive the same after examination of the material witnesses.
4. The prosecution story, in brief is that, on 04.06.2019 at about 10.30 A.M., the complainant went to village- Nevapara for delivery of mobile phone which was booked in the name of applicant, that applicant was not present in his address, therefore the complainant called him, thereafter present applicant called the complainant near Railway over bridge at Village- Alda where the applicant and five other co-accused persons were present, they have committed loot of mobile phones of Rs. 26,000/- from the complainant and then ran away from the place of the incident. Thereafter, offence has been registered against the present applicants.
5. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the crime in question. He further submits that the other co-accused persons have been granted bail in MCRC No. 6806/2019 vide order dated 29.11.2019 and seizure witnesses PW-1 (Balaram Lahare), PW-2 (Santosh Kumar Verma) and PW-3 (Devbrat) has not supported the prosecution case and turned hostile. The applicants are in jail since 05.06.2019, as there is no likelihood of their case being decided in near future, therefore, the present applicants may be released on bail.
6. On the other hand, counsel for the State opposes the bail application.
7. I have heard learned counsel for the parties and perused the case diary.
8. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of the applicants and further considering the facts that the other co-accused persons have been granted bail in MCRC No. 6806/2019 vide order dated 29.11.2019 and seizure witnesses PW-1 (Balaram Lahare), PW-2 (Santosh Kumar Verma) and PW-3 (Devbrat) has not supported the

prosecution case and turned hostile. The applicants are in jail since 05.06.2019 the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicants on bail. Accordingly, the application is allowed.

9. Accused/applicants are directed to be released on bail on their executing a personal bond in the sum of Rs. 50,000/- each, with one local 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**