

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 8333 of 2019**

1. Chandrashekher Sahu @ Sonu, Aged about 22 years, S/o Shri Pyarelal Sahu, R/o Ganga Nagar, Near Ganesh Kirana Stores, P.S. - Khamtarie, District (Revenue & Civil) – Raipur (C.G.)

2. Nitin Jamulker, Age about 19 years, S/o Devkumar Jamulker, R/o Ganga Nagar, P.S. - Khamtarie, District (Revenue & Civil)- Raipur (C.G.)

---- Applicants**Versus**

State of Chhattisgarh, Through Station House Officer, Police Station – Khamtarie, District : Raipur (C.G.)

----Non-applicant**M.Cr.C. No. 88 of 2020**

Ashwani Nishad @ Golu, Aged about 20 years, S/o Shatruhan Nishad, R/o Ganga Nagar, Bhanpuri, P.S. - Khamtarie, District (Revenue & Civil) – Raipur (C.G.)

---- Applicant**Versus**

State of Chhattisgarh, Through Station House Officer, Police Station – Khamtarie, District : Raipur (C.G.)

----Non-applicant

For Applicants	:	Mr. Yogesh Pandey, Advocate.
For Non-applicant	:	Ms. Akshra Amit, Panel Lawyer.

Hon'ble Smt. Justice Rajani Dubey**Order On Board****06/02/2020**

(1) Above mentioned both bail applications filed under Section 439 of the Cr.P.C. arise out of a common Crime No. 569/2019, registered at Police Station Khamtarie, Distt. Raipur, for the offence punishable under Sections 379 & 356 read with Section 34 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. 8333 of 2020 would be taken up as lead case].

(2) Case of the prosecution, in nutshell, is that on 22.10.2019 when complainant – Harishchdra Manjhi was returning to his house, in the midway, accused persons stopped him and forcibly looted one mobile phone and Rs.3,000/- from his wallet and thereby committed the aforesaid offence.

(3) Counsel for the applicants would submit that the applicants have falsely been implicated in the crime in question as there is no incriminating material available on record to connect the applicants with the crime in question. He submits that applicants are languishing in jail since 23.10.2019; charge sheet has already been filed and as the trial is likely to take some more time for its final disposal and no custodial interrogation is required, the applicants are entitled to 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 23.10.2019, respectively; charge sheet has already been filed and no further custodial interrogation is required; trial is likely to take some time for its final disposal; without further commenting on merits, 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.

Certified copy, as per rules.

Sd/-

(Rajani Dubey)
Judge

