

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 381 of 2021

- Vinod Banjare S/o Janakram, aged about 27 years, R/o Village Uslapur, Police Station Sakri, District Bilaspur (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through : Police Station – Lormi, District Mungeli (C.G.)

---- State/Non-applicant

And

M.Cr.C. No. 498 of 2021

- Parmeshwar Mohle son of Bhagwat Mohle, aged about 36 years, R/o Jhaal Gaadamore, Police Station Takhatpur, District Bilaspur (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through The Station House Officer, Thana- Lormi, District Mugeli (C.G.)

---- State/Non-applicant

For Applicant	:	Shri Hemant Kesharwani, Advocate appears in M.Cr.C. No. 381 of 2021
For Applicant	:	Shri Rahul Agrawal and Shri Sumit Singh Rathore, Advocates appear in M.Cr.C. No. 498 of 2021
For Non-Applicant/State:		Ms. Seema Dixit, Panel Lawyer appears in both the application

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

25.03.2021

1. Applicant Vinod Banjare has preferred his first bail application (M.Cr.C. No. 381 of 2021) under Section 439 of Cr.P.C. as he is in jail since 10.10.2020 in connection with Crime No. 538/2020 for the offence punishable under Sections 457 & 427 of IPC and Applicant Parmeshwar Mohle has preferred his first bail application (M.Cr.C. No. 498 of 2021) under Section 439 of Cr.P.C. as he is in jail since 10.10.2020 in connection with Crime No. 379/2020 for the offence punishable under Sections 457 & 427 read with Section 34 of IPC. As both crime numbers registered in same Police Station - Lormi, District Mugeli (CG) and during investigation, both the applicants were arrested on the same day, therefore, the above applications are being

disposed of by this common order.

2. There are two complainants who lodged the reports on different dates which were registered in Police Station Lormi, District Mungeli under Crime No. 538/2020 & Crime No. 379/2020.
3. Case of the prosecution is that:
 - In M.Cr.C. No. 381 of 2021, case of the prosecution in brief is that on 20.09.2020 complainant B.S. Paikra, Manager in Punjab National Bank, lodged a written report against unknown person in police Station Lormi, District Mungeli alleging that in between 19th – 20th September, 2020, in the night, some unknown person entered into Cashier Cabin & Manager Cabin of the said bank and destroyed computer, pass-book, printer, drawer, almirah, cashvult & record room etc.
 - In M.Cr.C. No. 498/2021, case of the prosecution is brief is that on 05.07.2020 complainant Veral Damani lodged a written report against unknown person in the same Police Station alleging that in night of 04.07.2020, some unknown person, with intention to commit theft in the ATM Machine situated at Lormi main road Pathak Chaal in front of Civil Court, damaged the said ATM Machine and modem due to which there was a loss of Rs.3,75,000/-.
 - During investigation, both the above applicants and another co-accused namely Mukesh @ Sunny being involved in the crimes, they were arrested by the police. On the memorandum statement of applicant Vinod Banjare, he stated that he alongwith applicant Parmeshwar Mohle and co-accused Mukesh @ Sunny committed both the crimes and on the basis of memorandum statement of applicant Vinod Banjare, iron rod, hacksaw, hammer, *sabba* and motorcycle were seized at the instance of Vinod Banjare by the police.
4. Learned counsel for the applicants submit that the F.I.R. was lodged against the unknown person and the applicants have been falsely implicated in the crime. they further submit that the applicants are languishing in jail since 10.10.2020, charge-sheet has been filed and conclusion of the trial is likely

to take some time. Therefore, the applicants be released on bail.

5. On the other hand, learned counsel for the State opposes the bail applications.
6. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, considering the age of the applicants i.e. 27 & 36 years, their detention period, charge-sheet has already been filed, conclusion of the trial is likely to take some time, the applicants have no criminal antecedents as admitted by learned counsel for the parties, and that there is no apprehension of the applicants tampering with the evidence or absconding, without expressing any opinion on merits of the case, the applications are allowed.
7. It is directed that in the event of each of the applicants executing a personal bond for a sum of Rs.1,00,000/- with two sureties of Rs.50,000/- each to the satisfaction of the concerned trial Court, they shall be released on bail on the following conditions:-
 - i. they shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court.
 - ii. they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
 - iii. they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.
 - iv. they shall not involve themselves in any offence of similar nature in future or else this order granting bail to the applicants shall automatically stand cancelled without further reference to the Bench.
8. In the result, M.Cr.C. No. 381 of 2021 & M.Cr.C. No. 498 of 2021 are allowed on the above terms and conditions.

Sd/-
(Gautam Chourdiya)
Judge