

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9480 of 2020**

- Pankaj Chouhan, S/o Shri Ramkishore Bind (Chouhan), age 21 Years, R/o House No. 158, Dabripara, Ravan Bhanta, Mandir Hasoud Police Station Mandir Hasoud, District Raipur, Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station Mana Camp, District Raipur, Chhattisgarh.

----Non-applicant

For Applicant
For State

Mr. Devershi Thakur, Advocate.
Mr. Ajay Kumrani, P.L.

MCRC No. 322 of 2021

- Rahul Vishwakarma, S/o Shri Nand Gopal Vishwakarma, aged about 22 Years, R/o- Village- Serikhedi Jindal Basti, Udiapara Police Station- Mandir Hasoud, Tahsil and District - Raipur (Chhattisgarh) Mb. No. 9826309981.

----Applicant

Versus

- State of Chhattisgarh, Through Station House Officer, Mana Camp, District- Raipur (Chhattisgarh).

----Non-applicant

For Applicant
For State

Ms. Smita Jha, Advocate.
Mr. Ajay Kumrani, P.L.

MCRC No. 889 of 2021

- Prakash Khatri, S/o Harish Khatri, aged about 20 Years, R/o Mandir Hasoud, Ravan Bhata Police Station Mandir Hasoud, Tahsil and District Raipur Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh, Through Station House Officer,
Reserve Centre Mana Camp District Raipur Chhattisgarh.

----Non-applicant

For Applicant
For State

Ms. Smita Jha, Advocate.
Mr. Ajay Kumrani, P.L.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

05/02/2021

1. As all these applications filed under Section 439 of Cr.P.C. arise out of the same Crime No.130/2020 registered at police station Mana Camp, District Raipur, C.G., for the offence punishable under Sections 394 & 395 read with 34 of Indian Penal Code and under Section 25 & 27 of the Arms Act., they are being disposed of by this common order.
2. Allegation against the applicants is that on 13.10.2020 at about 20:30 hours complainant was going to his house, on the way applicants stopped him, threatened him of life by using knife and on the point of revolver, looted one mobile and Rs.3,000/- from his possession and fled from there. On report being lodged to the above effect, the aforesaid offence have been registered against the applicants.
3. Learned counsel for the applicants submit that the

applicants are innocent persons and have been falsely implicated in the case. The applicants have no criminal antecedents, charge sheet has already been filed, they are in custody since 25.10.2020 and conclusion of the trial will take some time. Therefore, they may be released on bail.

4. On the other hand, learned counsel for the State opposes the submissions made on behalf of the above applicants. However, he submits that the applicants have no criminal antecedents.

5. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the detention period of the applicants, that one mobile and Rs.3,000/- only are said to have been looted by the applicants, charge sheet has already been filed and the fact that the applicants have no criminal antecedents as admitted by counsel for the parties and conclusion of trial may take some time, the applications are allowed. 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 this Court.

Let a copy of this order be forwarded to the concerned police station forthwith who shall inform the trial Court in the event of applicants involving themselves in similar offence in future.

Sd/-
Gautam Chourdiya
Judge

Akhilesh