

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9156 of 2020**

- Pitamber, S/o Sahdev Rajak, aged about 19 Years, R/o - Village Devaridih Behind Dhanmandi Torwa Bilaspur, District Bilaspur, Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh, Through - the Police Station Sarkanda, District Bilaspur, Chhattisgarh.

----Non-applicant

MCRC No. 1460 of 2021

- Omprakash @ Nanu, S/o Panch Ram Suryavanshi, aged about 30 Years, R/o Torwa, Police Station Torwa, District Bilaspur, Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station Sarkanda, District Bilaspur, Chhattisgarh.

----Non-applicant

MCRC No. 1534 of 2021

- Shani Markam, S/o Shri Rajesh Singh Markam, aged about 19 Years, R/o Village- Devridih, Near Purana Pump House, Police Station- Torwa, District- Bilaspur, Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station- Sarkanda, District- Bilaspur, Chhattisgarh.

----Non-applicant

For Applicants	Shri Pravin Kumar Tulsyan, Shri Rajnish Shrivastava & Shri Dharmesh Shrivastava, Advocates.
For State	Shri Sudhir Sahu, P.L.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

10/03/2021

1. As all these applications filed under Section 439 of Cr.P.C. arise out of the same Crime No.806/2020 registered at police station Sarkanda, District Bilaspur, C.G. for the offence punishable under Sections 394 read with 34 of Indian Penal Code, they are being disposed of by this common order.
2. Allegation against the present applicants by the complainant- Ashok Kumar Ghosh is that on 24.08.2020 at about 01:20 am when he was returning home from duty, on the way accused persons stopped him and assaulted upon him by stone as a result of which he became unconscious and fell down. Thereafter, accused persons looted his motorcycle, purse and mobile phone. During investigation, statement of the informant/complainant was recorded and the accused persons were apprehended by the police.
3. Learned counsel for the applicants submit that applicants are innocent persons and have been falsely implicated in this case. They submit that the seizure that has been made from the applicants does not lead to their connection with the offence committed. The applicants are in jail since 10.11.2020 &

09.11.2020 respectively, charge sheet has already been filed and conclusion of trial is likely to take some time. Therefore, the applicants be released on bail.

4. On the other hand, learned counsel for the State opposes the bail applications.
5. Heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the fact that initially crime was registered against the applicants under Section 279, 337, 379 of Indian Penal Code but subsequently in place thereof offence under Section 394/34 of Indian Penal Code was registered against them, the detention period of the applicants, who are 19 & 30 years of age, charge sheet has already been filed, the fact that the applicants are the first offenders having no criminal antecedents and there is no apprehension of the applicants tampering with the evidence or absconding as admitted by both the counsel and conclusion of trial may take some time, without expressing any opinion on the merits of the case, this Court is of the opinion that present is a fit case for grant of bail to the applicants. Accordingly, 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