

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1114 of 2021**

1. Panchram Sahu S/o Hariram Sahu, Aged About 18 Years, R/o Village Baghraitola, Police Station Kui Kukdur, District Kabirdham Chhattisgarh.
2. Ram Sahu S/o Lalji Sahu, Aged About 20 Years, R/o Village - Kushalbandpara, Pandariya, District Kabirdham Chhattisgarh.

---- Applicants**Versus**

State of Chhattisgarh, Through Station House Officer, Police Chowki Chilfi, Police Station Lormi, District - Mungeli Chhattisgarh.

---- Non-applicant

For Applicants : Mr. Priyanshu Gupta, Advocate
 For Non-applicant/State: Mr. B.P. Banjare, Dy. Govt. Advocate

(Proceedings through Video Conferencing)
Hon'ble Shri Parth Prateem Sahu, Judge
Order on Board

09.07.2021

1. This is first application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to applicants, who are in custody since 12.11.2020 in connection with Crime No.599 of 2020 registered at Police Station Lormi, District Mungeli (C.G.) for commission of the offence punishable under Sections 302, 397, 460, 120-B of the Indian Penal Code and Sections 4, 6 of the Tonhi Pratana Act, 2005.

2. Case of the prosecution, in brief, is that on 07.11.2020, at about 1.00 AM, in the mid-night, the complainant heard some noise, when he went out of her room, he saw that the bulb which has been installed in front of the door of her house has been removed from the holder. He saw the door of the room of her daughter was opened. He went to the room and saw that her daughter suffered grievous injuries over her persons and ornaments of her daughter were also taken away by unknown persons. Patharin Bai, mother of the deceased lodged a report before concerned Police Station, based upon which, instant crime is registered against unknown persons. During the course of investigation, the Police arrested the present applicants along with Dilharan and Shivshankar Sahu.

3. Mr. Priyanshu Gupta, learned counsel for the applicants submits that the applicants have been implicated in false case and applicants have not committed any crime as alleged against them. He further submits that only on the basis of memorandum statement of co-accused persons, present applicants have been arrested and memorandum of present applicants were also recorded. It is contended that seizure of articles based on the memorandum statement i.e. motorcycle from Santram and motorcycle and mobile phone from Rambharose are their own. No article has been seized from the possession of applicants alleged to have been used in commission of the crime. It is further contended that applicants

are in jail since 12.11.2020 and trial may take some time, hence prayed that applicants may be enlarged on regular bail.

4. On the other hand, Mr. B.P. Banjare, learned counsel for the State opposes the prayer for grant of bail and submits that the police arrested four persons including the applicants. He further submits that from Dilharan and Shivshankar Sahu, the blood stained clothes were received along with robbed articles at the time of commission of crime. The name of applicants have been stated in the memorandum statement by the co-accused. Ornaments were recovered from co-accused persons, as such, there is involvement of applicants in the instant crime. He further submits that the offence committed by the applicants are of serious nature, hence, they are not entitled for grant of bail.

5. I have heard learned counsel for the parties.

6. As per the memorandum statement of the co-accused, present applicants' memorandum were also recorded wherein they have admitted the commission of offence. Except the memorandum statement, there is no any other evidence against the present applicants even no incriminating articles have been recovered from the possession of present applicants based on the memorandum statement, the articles seized were stated to be their own. This is not disputed by the learned counsel for the State.

7. Taking into consideration the overall facts and circumstances of case, nature of allegation levelled against the applicants, they are in custody from 12.11.2020, without commenting on merits of the case, I am inclined to release the applicants on regular bail.

8. Accordingly, the application is allowed and it is directed that the applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with one surety in the like sum to the satisfaction of the trial Court concerned on the conditions that;

- a) They shall appear before the trial Court concerned regularly on each and every date unless exempted from appearance.
- b) They shall not, in any manner, tamper with the prosecution witnesses.
- c) If the applicants are found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge