

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 547 of 2021**

- Deepak Chauhan, aged about 19 years, Private Job, Auto Parts, S/o Ramnath Chauhan, R/o Village Ramhepur, Ward No. 15 Tahsil Lormi Thana Lormi, District Mungeli (C.G.)

---- Applicant

Versus

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

---- State/Non-applicant

And**M.Cr.C. No. 1412 of 2021**

- Prashant Gulahare S/o Shri Lakhan Lal Gulahare, Aged about 30 years, R/o Ramhepur, Ward No.-15, Lormi, P.S. Lormi, District Mungeli (C.G.)

Other Address- Sanjay Nagar, Near Sanjay Gandhi Memorial School, Raipur (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through SHO, P.S. - Lormi, District Mungeli (C.G.)

---- State/Non-applicant

For Applicant	:	Shri Ashok Verma & Shri Gajendra Kumar Sahu, Advocates appear in M.Cr.C. No. 547 of 2021
For Applicant	:	Shri Achyut Tiwari, Advocate appears in M.Cr.C. No. 1412 of 2021
For Non-Applicant/State	:	Shri Sameer Uraon, Government Advocate appears in both the applications

Hon'ble Shri Justice Gautam Chourdiya, J**Order on Board****16.03.2021**

1. As both the above first bail applications under Section 439 of Cr.P.C. preferred by the applicants arise out of the same crime number i.e. 652/2020 registered in Police Station- Lormi, District Mungeli (CG) for the offence punishable under Section 395/34 of IPC, they are being disposed of by this common order.

2. Case of the prosecution is that on 19.12.2020 complainant Gokaran Singh Chaturvedi lodged a written report in Police Station Lormi, District Mungeli stating that on 17.12.2020 at about 11:15 pm while he was returning to his house by motorcycle from *Chhotu Dhaba*, some unknown persons stopped him on the way and looted his motorcycle bearing registration No. CG 28 B – 9376. He also stated in that report that thereafter he came to his house and since the key of his room was with the key of motorcycle, therefore, he sat outside of his room on the platform. He stated that again 5-6 persons came there, they looted Rs.18,000/- from him and his Oppo-mobile. When the complainant shouted, his neighbour Narendra Rajput opened the door of his house, and seeing the neighbour of the complainant, the accused persons fled from there. During investigation, accused persons were arrested by the police including applicants Deepak Chauhan, Prashant Gulahare & co-accused Kuberchand.
3. Shri Ashok Verma, Shri Gajendra Kumar Sahu and Shri Achyut Tiwari, Advocates, appearing on behalf of the applicants, submit that the applicants have been falsely implicated in this crime. They submit that in test identification parade, applicants Deepak Chauhan and Prashant Gulahare have not been identified by the complainant and no seizure was made from the applicants. Learned counsel for the applicants also submit that applicants are languishing in jail since 19.12.2020 and conclusion of the trial is likely to take some time. Therefore, applicants be released on bail.
4. On the other hand, learned counsel for the State opposes the bail applications.
5. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, applicants Deepak Chauhan and Prashant Gulahare have not been identified by the complainant in test identification parade and only 04 currency notes of 500 denomination seized from applicant Deepak Chouhan and 03 currency notes of 500 denomination

seized from applicant Prashant Gulahare, but no any looted article was seized from them, further considering the detention period of applicants who are 19 & 30 years old, conclusion of the trial may take some time, they have no criminal antecedents as admitted by counsel for the parties, there is no apprehension of the applicants tampering with the evidence or absconding, without expressing any opinion on merits of the case, both the bail applications are allowed.

6. It is directed that in the event of each of applicants namely Deepak Chauhan and Prashant Gulahare executing a personal bond for a sum of Rs.50,000/- with two sureties of Rs.25,000/- 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.

7. In the result, M.Cr.C. No. 547 of 2021 and M.Cr.C. No. 1412 of 2021 are allowed on the above terms and conditions.

Sd/-

(Gautam Chourdiya)
Judge