

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2257 of 2021**

- Gurfan Ali son of Kale Khan @ Kismat Ali, aged about 20 years, resident of Camp-1, Atharah Number Road, Power House, Bhilai, Tahsil & District - Durg. (father's name incomplete mentioned in order).

---- Applicant**Versus**

- State of Chhattisgarh Through : The Station House Officer, Police Station Pithora, District Mahasamund (C.G.)

---- Respondent**And****MCRC No. 2898 of 2021**

- Rishabh Singh, aged about 25 years, S/o Mr. Dinesh Kumar, present address Power House, Bhilai, Camp - One, 18 Bhilai, District Durg (C.G.).

---- Applicant**Versus**

- State of Chhattisgarh Through : The Station House Officer, Police Station Pithora, District Mahasamund (C.G.)

---- Respondent

For Applicants	:	Shri B.P. Singh, Advocate in MCRC No.2257/2021 and Mr. Raza Ali and Mr. Sourabh Choudhary, Advocates in MCRC No.2898/2021
For Respondent	:	Mr. Vimlesh Bajpai, G.A.

Hon'ble Smt Justice Rajani Dubey**Order on Board****11/06/2021**

1. Proceeding through video conferencing.
2. MCRC No.2898/2021 is **admitted** for hearing.
3. Since the aforesaid bail applications arise out of the same crime number, they are being heard and decided by this common order.

4. The applicants have preferred these first bail applications under Section 439 of the Code of Criminal Procedure for grant of regular bail as they are arrested in connection with Crime No.275/2020, registered at Police Station – Pithora, District Mahasamund, (C.G.) for the offence punishable under Sections 120-B, 399, 402 IPC & section 25 of Arms Act.
5. The prosecution story, in brief, is that the police, acting on a tip-off, while patrolling has seen the Swift Desire car parked near Gurudwara, where 3 out of 6 accused persons namely Bansiram, Rishabh and Gurfan Ali found moving in a suspicious condition. Upon strict interrogation, they disclosed the plan of dacoity along with Gurtej, Gopal and Naman to be made in the house of Bahur Singh. Memorandum statement of one co-accused namely Banshiram Kharkhaate was recorded in which he disclosed the name of present applicants and other accused persons and also disclosed that the weapons like club, stick, pistol and knife are kept in the car. Based on this, offence has been registered against them and have been taken into custody on 06.11.2020 and 07.11.2020
6. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the case. They further submit that vide order dated 24.02.2021 passed in MCRC No.8547/2020 and 9227/2020, co-accused persons namely Gopal Sinha and Naman Sahu have been released on bail. Therefore, the present applicants may also be granted bail. It is next submitted that

the applicants are in custody since 06.11.2020 and 07.11.2020, charge sheet has been filed and there is no likelihood of their case being decided in near future. Therefore, they may be released on bail.

7. On the other hand, learned counsel for the State opposed the bail application.
8. I have heard learned counsel for the parties and perused the record.
9. Considering the totality of the facts and circumstances of the case, and further considering the fact that vide order dated 24.02.2021 passed in MCRC No.8547/2020 and 9227/2020 co-accused persons have already been released on bail, without further commenting on merits of the case, I am inclined to release the applicants on bail.
10. Accordingly, the bail applications are allowed.
11. It is directed that the applicants shall be released on bail on their executing a personal bond for a sum of Rs.50,000/- with one surety for the like amount to the satisfaction of the trial Court for their appearance before the said Court as and when directed, till final disposal of the trial.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge