

HIGH COURT OF CHHATTISGARH, BILASPUR

MISC. CRIMINAL CASE NO.1370 OF 2021

Manoj Bagh, son of Shri Santosh Bagh, aged about 28 years, R/o Ghess, PS Melchhamunda, District Bargad (Orisa).

... Applicant

Versus

State of Chhattisgarh, through Police Station Pithaura, District Mahasamund (CG).

... Respondent

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MISC. CRIMINAL CASE NO.2216 OF 2021

Ashwani Badgachhiya S/o Shri Mahendra Badgachhiya, aged about 25 years, R/o Village Bathteramha, Post Shanimal, PS Melchhamunda, Tehsil and District Bargad (Orissa).

... Applicant

Versus

The State of Chhattisgarh, through the Station House Officer, Police Station Pithoura, District Mahasamund (CG).

... Respondent

For Applicants	:	Ms. Sareena Khan and Shri Sunil Sahu, Advocates.
For Respondent-State	:	Shri Rakesh Sahu, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

19.05.2021.

1. Since both the applications are arising out of same incident and same crime, they are being disposed of by this common order.
2. These are first bail application seeking for grant of bail to the Applicants who are in jail since 23.10.2020 in connection with same Crime No. 266 of 2020 registered at Police Station Pithoura, District Mahasamund, for the offence punishable under Sections 398,457/34IPC and Section 25 of the Arms Act.

3. As per prosecution case, the applicants in connivance with other accused persons is said to have committed dacoity at the house of the complainant on 22.10.2020.
4. Learned counsel appearing for the applicants submits that most of the other co-accused persons have already been enlarged on bail in MCRC Nos. 7992/2020, 9091/2020 and 9138/2020 as the prosecution has not been able to provide strong, cogent and substantial proof against the accused persons. Thus, prayed for a similar order. Moreover, according to counsel for the applicants they were not the persons who were entered into the house of the complainant and that they have been falsely implicated in the present case.
5. On the other hand, the State counsel opposing the bail applications submits that applicant Manoj Bagh is said to have arrested at the spot by the local residents and it is statement of the said applicant that other co-accused persons have been arrested. Thus, the applicants do not deserve to be released on bail.
6. Having heard the contentions put forth on either side and on perusal of records, particularly taking note of the fact that this court has already granted bail to 3 other co-accused persons in the aforementioned three MCRC's vide common order dated 29.01.2021; taking note of the fact that the applicants have remained in custody for a period of more than 7 months and also considering the fact that present applicants have not entered into the house of the complainant for commission of the offence, this court is of the

opinion that prima facie a strong case for grant of bail has been made out.

7. Accordingly, both the applications for grant of bail are allowed. It is directed that the both the Applicants shall be released on bail on their furnishing a personal bond for a sum of Rs.50,000/- each with two sureties of the like sum to the satisfaction of the concerned Trial Court for their appearance as and when directed.

Sd/-
(P. Sam Koshy)
Vacation Judge