

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2320 of 2021**

1. Govind Choudhari S/o Shri Mishrilal Choudhari Aged About 41 Years
R/o Dharampatti, Simrahi Bazar, Gandhi Nagar Ward No. 2 P.S.
Raghopur, District Sikol, Bihar
 2. Shriram Sah S/o Late Rameshwar Sah Aged About 36 Years R/o
Bada Bariyarpur, Motihari Ward No. 14, P.S. Chhatouni, District :
Motihari, Bihar
- Applicants**

Versus

State of Chhattisgarh through the Station House Officer, Police of
Police Station City Kotwali, Dhamtari, District Dhamtari Chhattisgarh.

---- Respondent

For the applicants	: Mr. Anil Gulati, Advocate.
For the Respondent	: Mr. Rahul Jha, Govt. Advocate.

MCRC No. 2560 of 2021

Dinesh Paswan S/o Late Rajkumar Paswan Aged About 39 Years R/o
Bhagwanpur, Katua, Chowk, Ghodasahan, Police Station
Ghodasahan, District Motihari Bihar, District : Motihari, Bihar ---

Applicant

Versus

State of Chhattisgarh through the Station House Officer, Police of
Police Station City Kotwali, Dhamtari, District Dhamtari Chhattisgarh,

---- Respondent

For the applicant	: Mr. Pravin Tulsyan, Advocate.
For the Respondent	: Mr. Rahul Jha, Govt. Advocate.

MCRC No. 2917 of 2021

Rambabu Rai S/o Shankar Rai Yadav Aged About 44 Years R/o
Bijwani, Police Station Jitna, District Motihari, Bihar., District :
Motihari, Bihar

--- Applicant

Versus

State of Chhattisgarh through the Station House Officer, Police of
Police Station, City Kotwali, District Dhamtari, Chhattisgarh.

---- Respondent

For the applicants	: Mr. Anil Gulati, Advocate.
For the Respondent	: Mr. Rahul Jha, Govt. Advocate.

MCRC No. 3993 of 2021

1. Yogendra Prasad S/o Late Bisnath Tharu Aged About 55 Years
Resident of Ghodasahan, Police Station Ghodasahan, District
Motihari Bihar.
2. Rajeshwar Das @ Rajesh S/o Late Bigudas Aged About 52 Years
Resident of Pakaitola, Ghodasahan Police Station Ghodasahan,
District Motihari Bihar. **--- Applicants**

Versus

State of Chhattisgarh through Station House Officer, Police Station
City Kotwali, Dhamtari, District Dhamtari Chhattisgarh. **---
Respondent**

For the applicants	: Mr. S.P. Sahu, Advocate.
For the Respondent	: Mr. Rahul Jha, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

16.07.2021

1. These are first bail applications filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicants in connection with Crime No.609/2020 registered at Police Station City Kotwali, Dhamtari, Distt. Dhamtari (C.G) for the offences punishable under Sections 457, 380 read with section 34 of IPC.
2. As all the bail applications are relating to the same crime number, they are decided together by this common order.
3. As per the prosecution case, in the intervening night of 19th & 20th December, 2020 the applicants in furtherance of the Act committed theft of mobiles from a shop of Rakesh Kumar worth Rs.19.50 lakhs.

4. Learned counsel for the applicants would submit that the applicants have been falsely implicated; charge sheet has been filed, offences are triable by the JMFC and the trial is likely to take some more time, therefore, they may be enlarged on bail.
5. Per contra, learned State Counsel opposes the bail application and submits that the recoveries of the mobiles were made from the present applicants.
6. Considering the fact that the applicants were apprehended on the basis of CCTV footage and thereafter recoveries have been made as also the fact that the counsel for the applicants are unable to show that exorbitant time has passed from the date of incident, I am not inclined to allow these bail applications, at this stage. Accordingly, these bail applications are rejected.

**Sd/-
GOUTAM BHADURI
JUDGE**