

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 4509 of 2021

1. Mitesh @ Tinku Agrawal S/o Vimal Agrawal Aged About 31 Years R/o AB Road Byawara, Police Station Byawara, District – Rajgarh (M.P.)

---- Applicant

Versus

1. State Of Chhattisgarh Through The District Magistrate, Police Station Bemetara, District – Bemetara (C.G.)

---- Respondent

MCRC No. 4538 of 2021

1. Deepak @ Sonu Agrawal S/o Late Shri Manohar Agrawal Aged About 40 Years R/o Shaheed Colony, Garba Ground Byawara, Police-Station-Byawara District- Rajgarh, Madhya Pradesh

---- Applicants

Versus

1. State Of Chhattisgarh Through The District Magistrate, Police Station-Bemetara, District-Bemetara, Chhattisgarh.

---- Respondent

For Applicants :

- Ms. Sharmila Singhai, Sr. Advocate with Ms Taniya Mondal, Advocate

For Respondent /State :

- Shri Sudeep Agrawa;, Dy. Advocate General
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(Proceedings through Video Conferencing)

Order On Board

By

Prashant Kumar Mishra, Ag. CJ

16-08-2021

1. Since both the bail applications are arising out of crime No.102/2021 they are being considered and decided by this common order.
2. The applicants have preferred these bail applications under Section 439 of CrPC, as they are arrested in connection with Crime No.102/2021, registered at Police Station Bemetara, District Bemetara (CG), for the offence punishable under Sections 341, 392, 395, 399, 412, 120B, 34 of the Indian Penal Code.
3. Pramod Kumar, owner of truck bearing registration No.CG-10-C-4353, lodged a complaint on 6-2-2021 that his truck along truck bearing registration No.CG-07-C-9763 belonging to Rajendra Prasad Yadav were transporting 264 sacks of Rajshri Gutka (राजश्री गुटखा) and 227 sacks of K.P. Tobacco amounting to Rs.10.00 lacs from Bilaspur to Rajnandgaon, however, when the trucks reached near village Devarbija, they were stopped by some unknown persons traveling in Innova and Tata Hexa car and looted the trucks. Loot was committed by unknown persons and both of them (complainant Pramod Kumar & Rajendra Prasad Yadav) were blindfolded and taken to some distance. Subsequently, they were released and the goods loaded in their trucks were transferred to truck bearing registration No.RJ-09-GC-5962.

4. On memorandum statement of Jagdish Chandra Sharma, owner of this truck (RJ-09-GC-5962) he informed that he was working on the instructions from the present applicants.
5. Learned counsel appearing for the State, *per contra*, would oppose the bail applications.
6. Admittedly, co-accused Jagdish Chandra Sharma, Anurag Jain and Ashok Gupta have already been released on regular bail by this Court in M.Cr.C.Nos.1960, 2085 & 2368 of 2021.
7. Considering the entire facts situation of the case; particularly considering the fact that the co-accused have already been released on bail; as also the fact that the applicants are in jail since 25-2-2021 i.e. for more than 5½ years, I am of the opinion that present is a fit case to release the applicants on regular bail.
8. Accordingly, both the bail applications are allowed and the applicants are directed to be released on bail on each of them executing a personal bond for a sum of Rs.50,000/- with one surety in the like amount to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given by the said Court.
9. Certified copy as per rules.

Sd/-

(Prashant Kumar Mishra)
Acting Chief Justice

Gowri