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HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3489 of 2021**

- Anubhav Yadav, S/o Krishna Yadav, aged about 19 Years, R/o Ward No. 05, Azad Chowk Chhuikhadan, District Rajnandgaon, Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh, Through the Station House Officer, Police Station Chhuikhadan, District Rajnandgaon, Chhattisgarh.

----Non-applicant

MCRC No. 3491 of 2021

- Anubhav Yadav, S/o Krishna Yadav, aged about 19 Years, R/o Ward No. 05, Azad Chowk, Chhuikhadan, District- Rajnandgaon, Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh, Through the Station House Officer, Police Station- Chhuikhadan, District- Rajnandgaon, Chhattisgarh.

----Non-applicant

MCRC No. 4802 of 2021

- Shubham Chandrakar, S/o Shishupal Chandrakar, aged about 22 Years, Caste Kurmi, R/o Ward No. 10, Chuikhadan, Tahsil Chuikhadan, District Rajnandgaon, Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station Chuikhadan, District Rajnandgaon, Chhattisgarh.

----Non-applicant

MCRC No. 4817 of 2021

- Shubham Chandrakar, S/o Shishupal Chandrakar, aged about 22 Years, Caste Kurmi, R/o Ward No.10, Chikhadan, Tahsil,

Chuikhadan, District Rajnandgaon, Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh, Through - Station House Officer, Police Station - Chuikhadan, District Rajnandgaon, Chhattisgarh.

----Non-applicant

MCRC No. 4832 of 2021

- Shubham Chandrakar, S/o Shishupal Chandrakar, aged about 22 Years, R/o Ward No. 10, Chuikhadan, Tahsil Chuikhadan, District Rajnandgaon, Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station Chuikhadan, District Rajnandgaon, Chhattisgarh.

----Non-applicant

MCRC No. 5003 of 2021

- Shubham Chandrakar, S/o Shishupal Chandrakar, aged about 22 Years, Caste Kurmi, aged about 22 Years, R/o Ward No.10, Chuikhadan, Tahsil Chuikhadan, District Rajnandgaon, Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station Chuikhadan, District Rajnandgaon, Chhattisgarh.

----Non-applicant

For Applicants	Shri Pramod Ramteke and Shri Abhishek Sharma, Advocates for the respective applicants.
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For State	Shri Chitendra Singh, Panel Lawyer.
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Hon'ble Shri Justice Gautam Chourdiya
Order on Board

26/08/2021

1. As all these aforesaid bail applications filed under Section 439 of Cr.P.C. are being disposed of by this common order.

Applicants	Crime Nos. and Police Station	Offence under Sections	In jail since
Anubhav Yadav in MCRC No.3489 of 2021	Crime No. 36/2021 , Police Station Chhuikhadan, District Rajnandgaon, C.G.	457, 380 & 461 of Indian Penal Code	06.02.2021
Shubham Chandrakar in MCRC No.5003 of 2021	Crime No. 01/2021 , Police Station Chhuikhadan, District Rajnandgaon, C.G.	457, 380, 34 of Indian Penal Code	06.02.2021
Anubhav Yadav in MCRC No.3491 of 2021	Crime No. 01/2021 , Police Station Chhuikhadan, District Rajnandgaon, C.G.	457 & 380 of Indian Penal Code	06.02.2021
Shubham Chandrakar in MCRC No.4802 of 2021	Crime No. 36/2021 , Police Station Chhuikhadan, District Rajnandgaon, C.G.	457, 380, 34 of Indian Penal Code	06.02.2021
Shubham Chandrakar in MCRC No.4817 of 2021	Crime No. 199/2020 , Police Station Chhuikhadan, District Rajnandgaon, C.G.	457, 380, 34 of Indian Penal Code	06.02.2021
Shubham Chandrakar in MCRC No.4832 of 2021	Crime No. 317/2020 , Police Station Chhuikhadan, District Rajnandgaon, C.G.	461 of Indian Penal Code	06.02.2021

2. As per the prosecution case, during the period from 23rd August, 2020 to 2nd February, 2021, the applicants broke open the lock of shop of complainant namely Jitendra Mahobia in Crime No.36/2021 and stole Rs.70,000/- cash; in Crime No.317/2020, the applicants

admitted in their memorandum breaking open the lock of the shop of the complainant Pramod Mahobia as also the lock of the adjacent shop, hotel and Hanuman Temple with intent to commit theft; in Crime No.199/2020, the applicants committed theft of cash of Rs.6,000/- and cigarettes worth Rs.2,800/- from the shop of the complainant Kedar Singh Rajput and in Crime No.01/2021, the applicants committed theft of Rs.10,000/- from the shop of the complainant Duj Ram Sahu. During investigation, on the basis of CCTV footage installed in the shops of complainants, the present applicants were seen committing the aforesaid offence and they admitted the same in their memorandum statements.

3. Learned counsel for the applicants submit that applicants are innocent persons and have been falsely implicated in this case. They submit that no offence was committed by the present applicants, charge sheet has already been filed, they are in jail since 06.02.2021 and due to COVID-19 conclusion of trial is likely to take some time. Lastly, it is submitted that in the identical case, the applicant- Anubhav Yadav has already been granted regular bail by this Court in connection with offence under Sections 457, 380 & 461 of IPC vide order dated 30.07.2021 passed in MCRC No.3510 of 2021. Therefore, applicants be released on bail
4. On the other hand, learned counsel for the State opposes the bail applications.
5. Considering the facts and circumstances of the case, the nature of allegations against the applicants, the detention period of the

applicants, who are 19 & 22 years old, the fact that applicant-Anubhav Yadav has already been granted regular bail by this Court in MCRC No.3510 of 2021 vide order dated 30.07.2021, charge sheet has already been filed and there is no likelihood of the applicants tampering with the evidence or absconding as admitted by both the counsel and due to COVID-19 pandemic conclusion of trial may take some time, without commenting anything on merits of the case, this Court is of the opinion that present is a fit case to release the applicants on bail. Accordingly, all the bail applications are allowed. It is directed that in the event of each of the applicants in MCRC No.3489 of 2021, MCRC No.5003 of 2021, MCRC No.3491 of 2021, MCRC No.4802 of 2021 & MCRC No.4832 of 2021 executing a personal bond for a sum of Rs.1,00,000/- with two sureties of Rs.50,000/- each to the satisfaction of the concerned trial Court and applicant in MCRC No.4817 of 2021 executing a personal bond for a sum of Rs.2,00,000/- with two sureties of Rs.1,00,000/- 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 strictly follow the COVID-19 protocol issued by the Central Government / State Government / Local Authority.
- (v) they shall not involve themselves in any offence of similar nature

in future.

Let a copy of this order be forwarded to the concerned police station forthwith who shall inform the trial Court in the event of applicants involving themselves in any offence in future.

Sd/-
Gautam Chourdiya
Judge

Akhilesh