

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5648 of 2021

1. Rupesh Jogi S/o Punuram Jogi Aged About 22 Years R/o Village - Thelkobeda, Police Station Khariyar Road, District Nuapara (Orissa).
2. Anup Satnami (As Per Challan) S/o Prem Singh Aged About 20 Years R/o Village - Thelkobeda, Police Station Khariyar Road, District Nuapara (Orissa).
3. Durgesh Satnami S/o Hira Singh Aged About 22 Years R/o Village - Thelkobeda, Police Station Khariyar Road, District Nuapara (Orissa).
4. Vidya Satnami S/o Bhanasram Satnami Aged About 19 Years R/o Village - Thelkobeda, Police Station Khariyar Road, District Nuapara (Orissa).
5. Tosh Kumar (As Per Challan) S/o Dhannu Satnami Aged About 20 Years R/o Village - Thelkobeda, Police Station Khariyar Road, District Nuapara (Orissa) -----**Applicants**

Versus

State of Chhattisgarh Through Station House Officer, Police Station Komakhan, District Mahasamund (CG) ----**Respondent**

For Applicants : Mrs. Fouzia Mirza Sr. Advocate with Mr. Navin Shukla, Advocate

Respondent/State : Mr. Ghanshyam Patel, GA

Hon'ble Smt. Justice Vimla Singh Kapoor
Order On Board

11/11/2021

1. This is the second bail application. The applicants have preferred this repeat bail application under Section 439 Cr.P.C for grant of bail as they are arrested in connection with Crime No. 10/2021 registered at Police Station – Komakhan District Mahasamund (CG) for the offence punishable under Sections 395 IPC and section 25 of the Arms Act. The first bail application was rejected on merit on 02.06.2021 in M.Cr.C. No. 1081 of 2021 in M.Cr.C. No. 926 of 2021.
2. According to the written complaint dated 15.01.2021 made by

complainant, it transpires that when he was going to his village after withdrawing Rs. 49,000/- from the bank, on the way, the accused/applicant and another co-accused had stopped him, took out the key of his motorcycle and also removed the amount from his pant pocket.

3. Learned counsel for the applicants submits that the applicants have falsely been implicated in this case and they are in jail since 20.01.2021 and the charge sheet has already been filed. She submits that court statement of the complainant has already been recorded where he has categorically stated that the applicants were not in any manner involved in the incident of robbery against him and that he saw the accused/applicants in the court for the first time.
4. Learned State counsel, however, opposes the prayer for grant of bail.
5. Having heard counsel for the parties and considered the facts and circumstance of the case, the narration given by complainant in the Court to the effect that the accused/applicants did not commit any offence of robbery, this Court is of the opinion that it is a fit case to release the applicants on bail.
6. Accordingly, the application is allowed. It is directed that on applicants' executing a personal bond in the sum of Rs.25,000/- with one surety each for the like amount to the satisfaction of the trial Court, they shall be released on bail. They shall appear before the trial Court on each and every date given to them by the said Court till disposal of the case.

Sd/-
(Vimla Singh Kapoor)
Judge