

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5563 of 2021

1. Sandeep Kumar Kurre S/o Dwarika Prasad, Aged About 22 Years, R/o Village Jamgahan, Police Station Bhatgaon, District Balodabazar-Bhathapara (C.G.).
2. Deepak Kurre S/o Santosh Kurre, Aged About 19 Years, R/o Village Jamgahan, Police Station Bhatgaon, District Balodabazar-Bhathapara (C.G.).

----Applicants

Versus

1. State Of Chhattisgarh, Through Police Station Bhatgaon, District-Balodabazar-Bhathapara (C.G.).

---- Non-Applicant

For Applicants	:	Mr. Satya Prakash Verma, Advocate.
For Non-Applicant/State	:	Ms. Deepti Shukla, P.L.

MCRC No. 5919 of 2021

1. Gajendra @ Golu S/o Rameshwar Premi, Aged About 22 Years, R/o Village Jamgahan, Police Station Bhatapara, District Balodabazar-Bhathapara (C.G.).

----Applicant

Versus

1. State Of Chhattisgarh, Through The Station House Officer, Police Station Bhatgaon, District Balodabazar-Bhatapara (C.G.).

---- Non-Applicant

For Applicant	:	Mr. Raghavendra Pradhan, Advocate.
For Non-Applicant/State	:	Ms. Deepti Shukla, P.L.

MCRC No. 5939 of 2021

1. Manoj Khandekar S/o Loknath Khandekar, Aged About 34 Years R/o. Village Jamgahan, Police Station Bhatgaon, District Balodabazar-Bhatapara (C.G.).

----Applicant

Versus

1. State Of Chhattisgarh, Through The Station House Officer, Police

Station Bhatgaon, District Balodabazar - Bhatapara (C.G.).

---- Non-Applicant

For Applicant	:	Mr. Raghavendra Pradhan, Advocate.
For Non-Applicant/State	:	Ms. Deepti Shukla, P.L.

MCRC No. 5979 of 2021

1. Dinkar Khunte S/o Byasram Khunte, Aged About 19 Years R/o. Village Jamgahan, Police Station Bhatgaon, District Balodabazar-Bhatapara (C.G.).

----Applicant

Versus

1. State Of Chhattisgarh, Through The Station House Officer, Police Station Bhatgaon, District Balodabazar-Bhatapara (C.G.).

---- Non-Applicant

For Applicant	:	Mr. Raghavendra Pradhan, Advocate.
For Non-Applicant/State	:	Ms. Deepti Shukla, P.L.

Hon'ble Shri Justice Gautam Chourdiya
Order On Board

30/09/2021

- 1) Heard.
- 2) Since all these applications arise out of the same crime number, they are being disposed of by this common order.
- 3) These are the **First Bail Applications** filed under Section 439 of Code of Criminal Procedure, 1973 for grant of bail, as they are in jail since 16/06/2021 & 14/06/2021 in connection with Crime No. 137/2019, registered at Police Station Bhatgaon, District Balodabazar-Bhatapara (C.G.) for the offence under Sections 397, 307, 393 and 398 of Indian Penal Code.
- 4) As per the prosecution case, while on 18/08/2019 at around 10 PM the complainant, working in the Liquor Shop, was going with the Supervisor of the said Liquor Shop namely Hari Prasad Yadav with the sale amount of the liquor Rs. 86,000/- on his motorcycle, some unknown persons followed them and looted the said amount

after causing injuries with Axe to Hari Prasad and with club to the complainant Anil Baghel. On report being lodged, offence under the aforesaid sections was registered against one unknown person. However, after two years of the incident, the applicants have been arrested and put to identification on 14/06/2021 where they have been identified as perpetrator of the crime.

- 5) Learned Counsels for the applicants submit that the applicants are innocent persons and have been falsely implicated in this case. It is submitted that FIR was lodged only against one unknown person whereas the applicants have been arrested merely on the basis of suspicion, that too, after about two years of the date of incident. It is submitted that the looted amount has not been seized from the possession of the applicants but it has been seized from one Gulshan Kumar. It is submitted that there is no apprehension of the applicants tampering with the evidence or absconding. It is further submitted that applicants are in jail since 16/06/2021 & 14/06/2021, charge sheet has been filed and conclusion of trial is likely to take some time. Therefore, the applicants deserve to be released on bail.
- 6) On the other hand, learned State counsel opposes the bail applications. However, she submits that applicants Gajendra @ Golu Premi, Deepak Kurre and Dinker Khunte have **one** criminal antecedent i.e. Crime No. 61/2021 for the offence U/s 457 & 380 of Indian Penal Code, registered at P.S. Bhatgaon, District Balodabazar-Bhatapara (C.G.) whereas applicants Sandeep Kumar Kurre and Manoj Khandekar have no criminal antecedents.
- 7) I have heard learned Counsel for the parties.
- 8) Considering the facts and circumstances of the case, the fact that FIR was lodged by the complainant Anil Baghel only against one accused and no features of the other co-accused who were subsequently identified in this case were mentioned, the looted amount was not seized from the applicants but from one Gulshan Kumar, there is no explanation as to how said Gulshan Kumar came in possession of the looted amount, there is no criminal

antecedents of the applicants Sandeep Kumar Kurre and Manoj Khandekar whereas applicants Gajendra @ Golu Premi, Deepak Kurre and Dinker Khunte have only one criminal antecedent, the incident took place on 18/08/2019 whereas the applicants were arrested and put to identification after about two years on 14/06/2021, the detention period of the applicants who are 22, 19, 22, 34, & 19 years old respectively, charge sheet has already been filed, the fact that there is no apprehension of the applicants tampering with the evidence or absconding as admitted by counsel for the parties and conclusion of trial may take some time, the applications are **allowed**. It is directed that in the event of **each** of the applicants 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,
- iii. they shall strictly follow the COVID-19 protocol issued by the Central Govt./State Govt./Local Authority,
- iv. 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 similar offence in future.

-Sd/-
(Gautam Chourdiya)
Judge