

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5918 of 2021**

Ramashankar S/o Sonsay Nirala, Aged About 20 Years, R/o Village Jamgahan, Police Station Bhatgaon, District Balodabazar - Bhatapara, Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh Through The Station House Officer, Police Station Bhatgaon, District Balodabazar - Bhatapara, Chhattisgarh.

---- Non-applicant**MCRC No. 6372 of 2021**

Gajendra @ Golu S/o Rameshwar Premi, Aged About 22 Years, R/o Village -Jamgahan, Police Station - Bhatgaon, District - Balodabazar-Bhatapara, Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh Through The Station House Officer, Police Station - Bhatgaon, District – Balodabazar Bhatapara, Chhattisgarh.

---- Non-applicant**MCRC No. 6485 of 2021**

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

---- Applicant**Versus**

State of Chhattisgarh Through The Station House Officer, Police Station Bhatgaon, District Balodabazar Bhatapara Chhattisgarh.

---- Non-applicant**MCRC No. 8110 of 2021**

Deepak Kumar S/o Santosh Kumar Kurre, Aged About 19 Years, Resident of Jamgahan, Police Station Bhatgaon, District Baloda Bazar Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh Through Station House Officer, Police Station Bhatgaon, District Baloda Bazar Bhatapara, Chhattisgarh.

---- Non-Applicant

For Applicants (MCRC Nos.5918/2021, 6372/2021 and 6485/2021)	: Mr. Raghvendra Pradhan, Advocate
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For Applicant (MCRC 8110/2021)	: Mr. Satya Prakash Verma, Advocate
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For Non-Applicant/State	: Mr. Aditya Tiwari, Panel Lawyer
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Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

27.10.2021

- 1) As all the bail applications arise out of same crime number, they are being heard and decided together by this common order.
- 2) Applicants have preferred these first bail applications under Section 439 of Cr.P.C for grant of regular bail as they have been arrested in connection with Crime No.61 of 2021, registered at Police Station Bhatgaon, District Balodabzar-Bhatapara (C.G.), for the offence punishable under Sections 457, 380, 34 of the Indian Penal Code.
- 3) Case of the prosecution is that, report was lodged on 27.04.2021 by Balbant Singh Thakur mentioning therein that theft has taken place in between 15.04.2021 to 27.04.2021. Based on the written report, First Information Report was registered against unknown person. During the course of investigation, applicants were taken into custody and based on their memorandum statements, certain articles like gold and silver ornaments, Laptop, stabilizer and petty cash amount have been seized from possession of the applicants.
- 4) Mr. Raghvendra Pradhan and Mr. Satya Prakash Verma, learned counsel for the respective applicants would jointly submit that the applicants have been falsely implicated in the case. The articles said to have been seized from possession of the applicants are the articles available in each house and family. Gold and silver ornaments which have been stated to have been

seized from the possession of the applicant is also small ornaments like locket, *bichiya*, *payal* (Anklet) and silver *Chuda* (Bangles). Articles seized were not put to identification. It is contended that applicants is in jail since 13.06.2021, hence, they may be enlarged on regular bail.

- 5) On the other hand, Mr. Aditya Tiwari, learned Panel Lawyer opposing the submissions made by learned counsel for the applicants, would submit that theft articles have been seized from possession of each of the applicant. He further submits that Gajendra @ Golu, Deepak Kumar, Dinkar Khunte are having criminal antecedent against them of crime registered in the year 2019 for offences under Sections 393, 398 and 307 of IPC, hence, they are not entitled for grant of bail.
- 6) Learned counsel for respective applicants would jointly submit that offence as stated by learned counsel for State of the year 2019 is based on false allegation. The looted amount of Rs.86,000/- as alleged in that crime has been found to be in possession of complainant themselves, hence, said crime registered at present against, those applicants cannot be treated as criminal antecedent for considering of their bail application.
- 7) I have heard learned counsel for the parties.
- 8) Taking into consideration facts and circumstances of the case, nature of allegations, articles which is stated to have been seized from the possession of applicants were not put to identification as stated by learned counsel for the parties based

on the charge-sheet and period of pretrial detention of the applicants, without commenting anything on the merits of the case, I am inclined to release the applicants on regular bail.

- 9) Accordingly, the bail applications (MCRC Nos.5918 of 2021, 6372 of 2021, 6485 of 2021 and 8110 of 2021) are allowed and it is directed that the applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with one surety in the like sum to the satisfaction of the trial Court concerned on the conditions that :

- a) They shall appear before the trial Court concerned regularly on each and every date unless exempted from appearance.
- b) They shall not, in any manner, tamper with the prosecution witnesses.
- c) If the applicants are found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-

(Parth Prateem Sahu)
Judge

Yogesh