

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7005 of 2021**

1. Krishna Yadav @ Bholu Khutiya, S/o Manish Khutiya (Wrongly mention in the order as Krishna Khutiya), aged about 18 years, Caste- Mahkul, Occupation- Labor, R/o Village Thirikona Luchaki Panchayat-Kantiprakashpur, P.S. & Tahsil – Ambikapur, Distt. Surguja (C.G.)

2. Manish Sonwani, S/o Dular, aged about-19 years, Caste – Turri (Basodh), Occupation- Labor, R/o Kantiprakashpur, P.S. & Tahsil – Ambikapur, Distt-Surguja (C.G.) (In jail)

---- Applicants**Versus**

State of Chhattisgarh, Through – The Station House Police Station Kotwali – Ambikapur, Distt. Surguja (C.G.)

----Non-applicant

For Applicants : Mr. A.N. Pandey, Advocate.
For Non-applicant : Mr. Roshan Dubey, Panel Lawyer.

Hon'ble Shri Justice N.K. Chandravanshi**Order On Board****26.11.2021**

(1) The applicants/accused have preferred this first bail application under Section 439 of the Code of Criminal Procedure for releasing them on regular bail in connection with Crime No. 244/2021 registered at police Station Kotwali Ambikapur, District – Surguja (C.G.) for commission of offence punishable under Section 392 read with Section 34 of IPC.

(2) Case of the prosecution, in brief, is that on 28.02.2021 complainant – Arnitosh Lakda was coming from his village to take admission in Lab Technician Course in his Scooty bearing registration No. CG 14 MG 9058 in the Gurukripa College and when he was returning from there, on the way, two unknown persons stopped him and looted one mobile phone worth Rs.16,000/- and cash of Rs.700/- from the complainant. Based on above facts, present crime was registered against unknown

persons under Section 392 read with Section 34 of IPC and on the basis of memorandum statement of the applicants, some of the stolen articles have been seized from them and they have been arrested on 8.3.2021.

(3) Learned counsel appearing for the applicants would submit that applicants are innocent persons and they have been falsely implicated in the present case. He would next submit that FIR was lodged against unknown persons. Neither Test Identification Parade has been conducted in this case nor stolen articles have been seized from the applicants, which could connect them in the commission of present crime. He would next submit that applicants are in custody since 8.3.2021; charge-sheet has been filed and as the applicants are permanent resident of District Sarguja, hence, there is no chance to influence the prosecution witnesses or absconding of the applicants, therefore, the applicants may be enlarged on regular bail.

(4) Per contra, learned counsel for the State while opposing the submissions made by counsel for the applicants, would submit that there are three cases have been registered against the applicants, which shows that applicants are habitual offender, hence, the applicants are not entitled to be released on bail.

(5) I have heard learned counsel appearing for the parties and perused the case diary as well as material available on record.

(6) Considering the facts & circumstances of the case, nature & gravity of the offence, detention period of the applicants; charge-sheet has already been filed and also totality of the facts, I am of the view that it is a fit case to release the applicants on bail. Accordingly, the bail application is allowed.

(7) Accused/applicants are directed to be released on bail on each of them executing a personal bond in the sum of Rs. 50,000/- with two sureties in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-
(N.K. Chandravanshi)
Judge

