

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6675 of 2021

1. Kishan Mankamane S/o Shri Tilak Ram Mankamane, Aged About 18 Years, R/o Ravidas Nagar, Ward No. 23, Birgaon, Police Station Urla, District Raipur (C.G.).

----Applicant

Versus

1. State Of Chhattisgarh, Through Station House Officer, Police Station Khamtarai, District Raipur (C.G.).

---- Non-Applicant

For Applicant	:	Mr. Rekhraj Baghel, Advocate.
For Non-Applicant/State	:	Mr. Rahim Ubwani, P.L.

MCRC No. 6801 of 2021

1. Kuwardas @ Dauwa Kosale S/o Shri Dharamdas Kosale, Aged About 19 Years, R/o Shukwari Bazar, Birgaon, Raipur (C.G.).

----Applicant

Versus

1. State Of Chhattisgarh, Through Station House Officer, Police Station Khamtarai Raipur, District Raipur (C.G.).

---- Non-Applicant

For Applicant	:	Mr. Rekhraj Baghel, Advocate.
For Non-Applicant/State	:	Mr. Rahim Ubwani, P.L.

Hon'ble Shri Justice Gautam Chourdiya
Order On Board

28/09/2021

- 1) Heard.
- 2) Since both these applications arise out of the same crime number, they are being disposed of by this common order.
- 3) **MCRC No. 6675/2021** : This is the **First Bail Application** of applicant Kishan Mankamane filed under Section 439 of Code of Criminal Procedure, 1973 for grant of bail.

- 4) **MCRC No. 6801/2021** : This is the **Second Bail Application** of applicant Kuwardas @ Dauwa Kosale filed under Section 439 of Code of Criminal Procedure, 1973 for grant of bail. The First Bail Application i.e. MCRC 5044/2021 was dismissed as withdrawn on 02/08/2021.
- 5) Applicant Kishan Mankamane & Kuwardas @ Dauwa Kosale are in jail since 16/08/2021 & 30/06/2021 respectively in connection with Crime No. 387/2021, registered at Police Station Khamtarai Raipur, District Raipur (C.G.) for the offence under Section 392/34 of Indian Penal Code.
- 6) Allegation against the applicants are that on 29/06/2021 at 07:30 PM near Transport Nagar Petrol Pump, Rawanbhata at Raipur (C.G.) applicants committed robbery of Mobile of One Plus Company of worth Rs. 30,000/-. On report being lodged to the above effect, the aforesaid offence has been registered against them.
- 7) Learned Counsel for the applicants submit that the applicants are innocent persons and have been falsely implicated in this case by the complainant Rajnish Kumar Mishra. He submits that the applicants have no criminal antecedents and there is no apprehension of the applicants tampering with the evidence or absconding. He further submits that applicants are in jail since 16/08/2021 & 30/06/2021 respectively, charge sheet has been filed and conclusion of trial is likely to take some time. Therefore, the applicants deserve to be released on bail.
- 8) On the other hand, learned counsel for the State opposes the bail applications. However, he submits that the applicants have no criminal antecedents.
- 9) I have heard learned Counsel for the parties.
- 10) Considering the facts and circumstances of the case, the nature of allegations against the applicants, the detention period of the applicants who are 18 and 19 years old respectively, charge sheet

has already been filed, the fact that the applicants have no criminal antecedents and 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 for its disposal, 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