

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7582 of 2021**

Naveen @ Tobo Indua, son of Maniram Indua, aged about 19 years, R/o. Village Korbabhaawar Ratanpur, P.S. Ratanpur, District Bilaspur (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through : The Station House Officer, Police of Police Station Ratanpur, District Bilaspur (C.G.)

----Non-applicant

M.Cr.C. No. 7446 of 2021

Aman Kumar Koshle, Son of Chandrahas Koshle, aged about 19 years, R/o. Village Singhari, P.S. Ratanpur, District Bilaspur (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through : The Station House Officer, Police of Police Station Ratanpur, District Bilaspur (C.G.)

----Non-applicant

M.Cr.C. No. 7377 of 2021

Suraj Singh, Son of Indralal Bhardwaj, aged about 20 years, R/o. Village – Korbabhaawar Ratanpur, P.S. Ratanpur, District Bilaspur (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through : The Station House Officer, Police of Police Station Ratanpur, District Bilaspur (C.G.)

----Non-applicant

For Applicants	:	Mr. Vivek Singhal, Advocate.
For Non-applicant	:	Mr. Ankur Kashyap, Panel Lawyer.

Hon'ble Mr. Justice N.K. Chandravanshi

Order On Board

16-11-2021

(1) Above mentioned all the bail applications filed under Section 439 of the Cr.P.C. arise out of a common Crime No.128/2021, registered at Police Station Ratanpur, District Bilaspur (C.G.), for the commission of offence punishable under Sections 457, 380 read with Section 34 of the Indian Penal Code, therefore, they are being heard analogously and decided by this Common Order.

(2) Case of the prosecution, in brief, are that in the intervening night of 21/22-03-2021 applicants & other co-accused persons broken the lock of electronic shop of complainant namely Ashok Kumar Agrawal situated at Gandhinagar Ward No. 2, Ratanpur and stolen four ceiling fans, one induction, two mixture grinder, four Exhaust Fans, 100 LED bulbs, 17 bundles of copper wire etc., total valued at Rs.44,300/-. Based on above facts, FIR was lodged by complainant against the unknown persons under Sections 457, 380 read with Section 34 of the IPC. On the basis of memorandum of the accused persons recorded on 11.04.2021, some stolen items were seized from their possession. After usual investigation, charge sheet for the aforesaid offences has been filed against the applicant & other co-accused persons.

(3) Counsel for the applicants submits that applicants are innocent persons and they have been falsely implicated in the crime in question as they have not committed the alleged crime. He would further submit that applicants are in detention since 12.04.2021; charge sheet has already been filed and as the applicants are permanent resident of Ratanpur, District Bilaspur, therefore, there is no chance to influence the prosecution witnesses or absconding of the applicants and the offences registered against the applicants are triable by Judicial Magistrate, First Class, therefore, the applicants may be enlarged on regular bail.

(4) On the other hand, counsel for the State while opposing the submissions made by counsel for the applicant would submit that applicants are the habitual offender, hence, they are not entitled for bail.

(5) I have 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 applicant; also taking into consideration the fact that charge sheet has already been filed and the offence registered against the applicants are triable by Judicial Magistrate, First Class, I feel inclined to allow all the bail applications. It is directed that if the applicants furnish one solvent surety for a sum of Rs.25,000/- each along with one personal bond in the like sum to the satisfaction of the trial Court concerned for their appearance before the concerned Court as and when directed by the said Court, they be released on bail.

Sd/-
(N.K.Chandravanshi)
Judge

D/-

