

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7422 of 2021**

Mohd. Kaif Mansuri S/o Mohd. Ishtkhar, Aged About 18 Years
Occupation Student, R/o Masum Gali, Tikarkala, Gaurela,
Tahsil Pendraroad, District Gaurela-Pendra-Marwahi
Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh Through Station House Officer, Police of
Police Station Pendra, District Gaurela-Pendra-Marwahi
Chhattisgarh.

---- Non-applicant**MCRC No. 7619 of 2021**

Afsar S/o Salim Khan, Aged About 20 Years, Caste Behna, R/
o Village Tikarkala, Tahsil Pendraroad, Police Station Gaurela,
District Gaurela Pendra Marwahi Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh Through Station House Officer, Police of
Police Station Pendra, District Gaurela Pendra Marwahi
Chhattisgarh.

---- Non-applicant

For Applicants : Mr. Achyut Tiwari, Advocate
For Non-applicant/State : Ms. Smriti Shrivastava, P.L.

Hon'ble Shri Justice Parth Prateem Sahu**Order on Board****15.12.2021**

1. Since both the applications arise out of same crime number, they are being heard and decided by the common order.
2. The applicants have preferred these First Bail Application under Section 439 of Code of Criminal Procedure, 1973 for grant of regular bail as they were arrested in connection with Crime No. 216 of 2021, registered at Police Station Pendra, District Gaurela Pendra Marwahi (C.G.) for the offence punishable under Section 392 r/w 34 of Indian Penal Code.

3. Case of prosecution is that, on 27.08.2021, complainant Ajay Kumar lodged a report in concerned police station stating therein that on 26.08.2021, at about 12.30 P.M., when he was returning from college and reached near in front of Sumit Motors at Pendra Amarapur road, he stopped there and started talking with his friend Ram Kumar on his mobile phone, at that relevant time, two unknown persons came on motorcycle, snatched his mobile phone and ran away on motorcycle bearing No.CG-10/AY/8407. Based on report, police investigated the crime and during course of investigation, arrested Mohd. Kaif Mansuri on 28.08.2021. From his possession, police recovered mobile phone of complainant along with one another mobile phone. Based on memorandum statement of co-accused and number of motorcycle, applicant Afsar was also arrested on 14.09.2021. From his possession, police recovered motorcycle as mentioned in First Information Report, which is registered in his name.
4. Mr. Achyut Tiwari, learned counsel for the applicants would submit that applicants are of tender age of 18 years and 20 years, respectively. They are first offenders. They are in jail since 28.08.2021 and 14.09.2021, respectively. Except instant crime, one another crime alleged to have been committed by applicants on same day i.e. 26.08.2021, at about 11.40 A.M., which is also registered and apart from these two crimes, there are no other criminal antecedents against the applicants, hence, they may be enlarged on bail.
5. On the other hand, Ms. Smriti Shrivastava, learned P.L. for the State opposing the submissions of learned counsel for the applicants would submit that in First Information Report,

complainant has mentioned EMI number of his mobile phone as also number of motorcycle, on which, two unknown persons came and committed crime. Mobile phone as reported was seized from the possession of applicant Mohd. Kaif Mansuri and motorcycle mentioned in First Information Report was recovered from possession of applicant Afsar, hence, there is prima facie involvement of both the applicants in commission of crime and they are not entitled for bail.

6. However, upon asking with regard to criminal antecedents against these applicants, learned State counsel submits that one another crime bearing No.217 of 2021 committed by them on the same day i.e. 26.08.2021 is registered and no other crime is mentioned against them in case diary.
7. I have heard learned counsel for the parties.
8. Taking into consideration facts and circumstances of the case, nature of allegations, age of applicants, apart from offence committed by them on 26.08.2021, there is no other previous criminal record and offence to be triable by Magistrate, without commenting anything on merits of the case, I am inclined to release the applicants on regular bail.
9. Accordingly, the applications (MCRC Nos. 7422 of 2021 and 7619 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