

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7704 of 2021**

1. Hem Kumar Sahu S/o Shri Rajendra Kumar Sahu Aged About 19 Years
2. Sandeep Dhruw S/o Shri Narad Dhruw Aged About 21 Years

Boh are Resident Of Ward No. 07, Nevra , Police Station Nevra District Raipur Chhattisgarh.

---- Applicants (In jail)

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Tilda, Nevra District Raipur Chhattisgarh

---- Respondent

MCRC No. 7781 of 2021

- Hitesh Verma S/o Shri Gopal Verma Aged About 19 Years Resident Of Ward No. 07 Kohka , Police Station Nevra , District Raipur Chhattisgarh

---- Applicant (In jail)

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Tilda, Nevra, District Raipur Chhattisgarh

---- Respondent

For Applicants	: Shri SP Sahu, Advocate
For Respondent/State	: Ms Akshara Amit, PL

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

02.12.2021

1. As these bail applications are arising out of same crime number, they are being disposed of by this common order.
2. Applicants have preferred these applications under Section 439 CrPC for grant of regular bail as they have been arrested in connection with Crime No.249 of 2021 registered at Police Station Tilda, District– Raipur, Chhattisgarh for the offences punishable under Sections 394, 395 and 34 of the IPC.
3. Case of prosecution is that on 31.07.2021 at about 10 pm, when Nikhil Kumar (complainant) was going to village Boerjhiti from Tilda Nevra, applicants along with other three accused persons intercepted, and assaulted the complainant by means of some sharp edged weapon and robbed his Mobile

phone (Samsung Galaxy M-30). Report was lodged against unknown persons. During the course of investigation based on memorandum statement, applicants were arrested on 12.08.2021.

4. Shri SP Sahu, learned counsel for the applicants would submit that applicants have not committed any offence as alleged against them. When they were on their way on Motorcycles, some quarrel took place between complainant and applicants and in the quarrel, complainant suffered some injury. There was no intention for committing offence as alleged against applicants. Applicants are of tender age of 19-21 years and they are in jail since 12.08.2021. They are having no criminal antecedents against them. One co-accused person Rahul Nishad was granted bail in MCRC-8091 of 2021 vide Order dated 17.11.2021 by this Court, hence, applicants may also be enlarged on regular bail.

5. Ms Akshara Amit, learned counsel for the State opposing the submission made by learned counsel for the applicant submits that from memorandum statement, it is apparent that applicants along with other co-accused persons after forming common intention, went to the place of incident and when complainant was found travelling alone, they robbed his mobile phone and also caused one injury on his leg. However, upon putting specific query with regard to seizure of mobile phone, she submits that phone was seized from co-accused Hemlal Nishad and after going through the case diary, she submits that there are no any criminal antecedents against applicants.

6. I have heard learned counsel for the parties.

7. Taking into consideration nature of allegations levelled against applicants, facts and circumstances of the case, applicants are aged about 19-21 years, they being first offenders, having no criminal antecedents against them and are in jail since 12.08.2021, trial may take some time, I am inclined to enlarge the applicants on bail.

8. Accordingly, bail applications are allowed. It is directed that the applicants shall be released on regular bail upon furnishing personal bond in the sum of Rs.25,000/- (Rupees twenty-five thousand) each with one local surety in the like sum to the satisfaction of the concerned Court on the condition that:

- a) Applicants shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
- b) Applicants 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