

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.8090 of 2021**

- Dinesh Sahu, S/o Late Kamlesh Sahu, aged about 27 years, R/o Village Shivpuri, Sangharsh Chowk, Ward No.16, Jamul, Police Station Jamul, District Durg (CG) (Late word not mentioned in order sheet)

---- Applicant (In Jail)

Versus

- State of Chhattisgarh, through Station House Officer, Police Station Gandai, District Rajnandgaon (CG)

....Non-applicant

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MCRC No.8439 of 2021

- Santuram Yadav S/o Rajkumar Yadav, aged about 22 years, R/o Village Shivpuri, Ward No.15, Jamul, Bhilai, Police Station Jamul, Tahsil & District Durg (CG).

---- Applicant (In Jail)

Versus

- State of Chhattisgarh, through Station House Officer, Police Station Gandai, District Rajnandgaon (CG)

....Non-applicant

For Applicants	:	Mr. Abhishek Sharma, Advocate
For Non-applicant	:	Ms. Smriti Shrivastava, Panel Lawyer

Hon'ble Mr. Justice Parth Prateem Sahu**21.12.2021**

1. As above two applications for grant of regular bail arise out of same crime number, they are being heard together and disposed of by this common order.
2. These are first applications filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to applicants, who are in custody since 9.9.2021 in connection with Crime No.162/2021 registered at Police Station Gandai, District Rajnandgaon (CG) for commission of offence punishable under Sections 457 & 380 of the Indian Penal Code.
3. Case of the prosecution, in brief, is that in night intervening 8th & 9th September, 2021 complainant Chandresh Markandey was

sleeping in his house, upon hearing some noise he woke up and saw some persons running out from his house carrying one LED television. He raised alarm. Applicants were caught on road by police patrolling party. One television was seized from possession of applicant Santuram Yadav. Applicants were arrested on 9.9.2021.

4. Mr. Abhishek Sharma, learned counsel for applicant in both applications would submit that applicants have been falsely implicated in crime in question. He submits that applicant Santu Ram Yadav is tender age of 22 years only. Applicants are first offenders and there is no other criminal antecedent against them. Applicants are in jail since 9.9.2021; offences are triable by Magistrate, charge sheet has been filed and conclusion of trial may take some time. Hence, applicants may be enlarged on regular bail.
5. Per contra, Ms. Smriti Shrivastava, learned Panel Lawyer for the State opposes submissions of learned counsel for applicants and submits that applicants were caught by police in night itself when they were fleeing away after committing theft. One LED television is seized from possession of applicant Santuram Yadav. Hence, applicants are not entitled to be enlarged on regular bail. However, upon putting specific query with regard to criminal antecedents of applicants, she submits that there is no mention of any other criminal antecedent against applicants in case diary/ charge sheet.
6. I have heard learned counsel for parties.
7. Taking into consideration facts and circumstances of case, nature of allegations, submission of learned counsel for parties that there is no any other criminal antecedent against applicants, age of applicants i.e. 27 & 22 years respectively; offence is triable by Magistrate; without commenting anything on merits of the case, I am inclined to allow these bail applications.
8. Accordingly, both the applications are allowed and it is directed that applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- 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 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

roshan/-