

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7732 of 2020**

1. Lokmani Chandrakar S/o Shri Babulal Chandrakar Aged About 46 Years R/o Village Loharsi Tarra, Patan, Police Station Amleshwar, Tehsil And District : Durg, Chhattisgarh
2. Sagar Pathak @ Raja Pathak S/o Shri Krishna Kumar Pathak Aged About 35 Years R/o Rajeev Chowk Ward No. 02, Patan, District : Durg, Chhattisgarh
3. Jitendra Kumar Sen S/o Shri Khilawan Sen Aged About 35 Years R/o Village Jamgaon, M, Patan, District : Durg, Chhattisgarh

---- Applicants**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station Amleshwar, District : Durg, Chhattisgarh

---- Respondent**MCRC No. 8734 of 2020**

- Ashish Sharma S/o Satish Sharma Aged About 36 Years R/o Village Bramhan Para, Patan, Police Station Tahsil Patan, And District Durg, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through- The Station House Officer, Police Station Amleshwar, District Durg, Chhattisgarh

---- Respondent

For Applicants	:	Mr. T.K. Jha, Advocate.
For State	:	Ms. Fouzia Mirza, Additional A.G.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****05/02/2021**

Heard.

1. The applicants have moved this application for grant of bail as they are arrested in connection with Crime No.75/2020 registered at Police Station- Amleshwar, District- Durg, C.G. for the alleged commission of offence under Sections 147, 149, 186, 188, 341, 392 & 427 of IPC and Section 3 of Prevention of Damage of Public Property Act-1984.
2. The offence has been registered against the present applicant and number of other accused on the allegation that the applicants and other co-accused,

large in number are involved in looting 7 boxes of liquor costing Rs.54,240/- from the liquor shop.

3. It is stated by learned counsel for the applicants that as far as applicants- Lokamani Chandrakar and Jitendra Kumar Sen are concerned, they have already been released on default bail, therefore, bail application of applicants- Lokamani Chandrakar and Jitendra Kumar Sen is rendered infructuous.
4. Learned counsel for the applicants would submit that the applicants- Sagar Pathak and Ashish Sharma have been involved in the alleged commission of offence only at the instance of liquor contractor because of the applicant and other villagers were opposing opening of liquor shop and large number of villagers gathered to oppose opening of liquor shop. It is further submitted that investigation is complete and charge sheet has been filed, therefore, they may be granted bail.
5. On the other hand, learned State Counsel opposes and submits that a prima facie case is made out against the applicants- Sagar Pathak and Ashish Sharma because their names have been specifically mentioned in the assailants who entered the shop and looted liquor and it has also been videographed.
6. Taking into consideration the submissions of learned counsel for the parties and nature of allegation against the applicants- Sagar Pathak and Ashish Sharma and further taking into consideration that number of other accused has already been granted bail and further that investigation is complete and that the accused are in jail since 17.11.2020, I am inclined to grant bail to the applicants- Sagar Pathak and Ashish Sharma.
7. Accordingly, the bail application of applicants- **Sagar Pathak** and **Ashish Sharma** is allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- along with one local surety of the like amount to the satisfaction of the concerned trial Court with following conditions:
 - (i) The applicants shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicants shall appear before the trial Court on each and

every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Ravi