

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8038 of 2021

1. Rohit Kumar Shriwas S/o Lala Shriwas Aged About 19 Years
2. Vikas Mahant S/o Dilharan Aged About 20 Years
Both R/o Near Shani Mandir (Shriwas Mohalla) Sitamani, Korba, Tahsil And District Korba Chhattisgarh

---- Applicants (In jail)

Versus

- State Of Chhattisgarh Through Police Station Kotwali, Korba, District Korba Chhattisgarh

---- Respondent

AND

MCRC No. 8329 of 2021

- Sanjay Das Manikpuri S/o Manohar Das Aged About 40 Years R/o Shani Mandir, Sitamani, District Korba Chhattisgarh

---- Applicant (In jail)

Versus

- State Of Chhattisgarh Through Police Station Kotwali, District Korba Chhattisgarh

---- Respondent

For Applicant	: Shri Vikas Pandey, Advocate
For Respondent/State	: Shri Shrikant Kaushik, PL

Hon'ble Shri Justice Parth Prateem Sahu

Order on Board

21.12.2021

1. As these two 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 of CrPC for grant of regular bail as they were arrested in connection with Crime No.561 of 2021 registered at Police Station- Kotwali, District- Korba, Chhattisgarh for the offence punishable under Sections 294, 323, 506 395 and 34 of the IPC.
3. Case of the prosecution, in brief, is that, on 27.06.2021 in between 2.30 hours to 3.30 hours in the night when complainant got off train in Railway

Station Korba from Naila and was in search of Auto-rikshaw, at that relevant time, one person came to him and stated that he will make arrangement for Auto-rikshaw and took him to near by place of Railway station. Thereafter, other five persons came there. Other five persons assaulted him and looted cash amount of Rs.7,000/-, his bag in which complainant was carrying his clothes, as also his mobile phone, and ran away. Incident was reported to concerned Police Station on 27.06.2021 at 6.30 am. Based on complaint, aforementioned crime was registered initially against unknown persons. During course of investigation, Police recorded memorandum statement of co-accused Mukesh Chouhan, and based on his memorandum statement, applicants were arrested on the same day.

4. Shri Vikas Pandey, learned counsel for the applicants would submit that applicants have been falsely implicated in the crime. They were arrested only on memorandum statement of co-accused Mukesh Chouhan. He submits that from the possession of applicants, small amount of Rs.500/- and Rs.1,000/- has been shown to be seized along with one pair of cloths from applicant- 1, one track suit and bag from Santosh and Rs.500/- from Vikas Mahant. Other co-accused persons Kishan Kumar Chouhan, Raghaw Chouhan, and Mukesh Chouhan, against whom similar allegations have been levelled, were enlarged on regular bail by the co-ordinate Bench of this Court vide order dated 17.11.2021. Case of applicants stand on similar footing. Hence, applicants may also be enlarged on bail.

5. Shri Shrikant Kaushik, learned State counsel opposing the submissions of learned counsel for the applicants, submits that complainant has reported the incident immediately to concerned Police Station and co-accused persons

were arrested on the same day. In TI Parade, applicants were identified by the complainant hence, applicants are not entitled for bail. Further, he does not dispute submission that other three co-accused, against whom similar allegations are levelled in the instant crime, have been granted regular bail on 17.11.2021.

6. I have heard learned counsel for the parties.

7. Taking into consideration facts and circumstances of the case, nature of allegations, and particularly the fact that other three co-accused persons against whom also similar allegations are levelled, have been enlarged on bail, without commenting anything on merits of the case, I am inclined to enlarge the applicants on regular bail.

8. Accordingly, bail applications are allowed. It is directed that 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