

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3998 of 2019

1. Dipesh Sahu S/o Late Girwar Sahu, Aged About 21 Years, R/o Shankar Nagar, Gondin Badi, Ward No.11 Near Loha Pul Durg, Tahsil and District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through the District Magistrate, Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Non-applicant

MCRC No. 4021 of 2019

1. Pankaj Sahu @ Pawan @ Rahul S/o Narayan Sahu, Aged About 19 Years, R/o Dipra Para Durg Tehsil and District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through the District Magistrate Durg Chhattisgarh., District : Durg, Chhattisgarh

--- Non-applicant

For Applicants – Shri Avinash Chand Sahu, Advocate.

For Non-applicant/State – Shri Ghanshyam Patel, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

31-07-2019

1. As both these applications arise out of the same crime number, i.e., Crime No.342/2019 registered at Police Station Supela, District Durg, Chhattisgarh for offence under Section 397, 398, 394, 324 of the IPC and Section 25, 27 of Arms Act, they are being decided by this common order.
2. MCRC No.3998 of 2019 has been filed under Section 439 of the Cr.P.C. by applicant Dipesh Sahu for grant of regular bail as he has been arrested on 08-04-2019 in connection with aforesaid crime number and offence. MCRC No.4021 of 2019 has been filed under Section 439 of the Cr.P.C. by applicant Pankaj Sahu @ Pawan @ Rahul for grant of regular bail as he has been arrested on 28-04-2019 in connection with aforesaid crime number and offence.
3. It is submitted by learned counsel for applicants in both the applications that these applicants have been falsely implicated in this case. Applicant Dipesh Sahu is in jail since 08-04-2019 and applicant Pankaj Sahu @ Pawan @ Rahul

is in jail since 28-04-2019. No case is made out against these applicants. Charge sheet has been filed after completion of the investigation. Therefore, it is prayed that the applicants may be enlarged on regular bail.

4. Learned counsel for the State/non-applicant opposes the applications submitting that applicant Dipesh Sahu has criminal history of having been prosecuted in two cases under other provisions of the IPC. Therefore, the applications may be rejected.

5. Heard learned counsel for the parties and perused the case diary.

6. According to the prosecution case, on the date of incident two unknown persons after assaulting complainant Devwrat Chowdhari with knife and causing injuries on his palm looted his possessions, some cash, ATM Card, driving licence, PAN Card, Smart Card etc. One of the culprits was caught on the spot by the policemen on patrolling duty, who introduced himself as Dipesh Sahu and informed that co-accused is Pankaj Sahu who made escape from the spot and was arrested later on. The looted property was seized from the possession applicant Pankaj Sahu.

7. Considered on the material present in the case diary. For the reason that the case is now pending for trial and both the applicants are young man of tender age, therefore, I feel inclined to allow both the applications.

8. Consequently, both these applications filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail are hereby 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/- with one surety in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge