

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 682 of 2023**

- Omprakash S/o Shri Prabhunath Shah, Aged About 35 Years R/o Jhimar Colliery, Police Station Bijuri, District - Anuppur (M.P.).

---- Applicant**Versus**

- State of Chhattisgarh, Through - Station House Officer, Police of Police Station Jhagarkhand, District – Koriya, Chhattisgarh.

---- Respondent**MCRC No. 843 of 2023**

- Vikram Sahu S/o Kishan Lal Sahu, Aged About 33 Years R/o Fauwara Chowk, Mandendragarh Thana And Tahsil Manendragarh, District Koriya, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh, Through: Police Station Jhagrakhand, District Koriya, Chhattisgarh.

---- Respondent

For Applicants	:	Mr. H.A.P.S. Bhatia, Adv. on behalf of Mr. Anil Gulati, Adv. in MCRC No. 682/2023. Mr. Hemant Kumar Agrawal, Adv. in MCRC No. 843/2023.
For Respondent/State	:	Mr. Wasim Miyan, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****28/04/2023**

1. As both MCRCs arise out of same crime number, they are being heard and disposed of by this common order.
2. The accused/applicants have moved these **second bail** applications under Section 439 of Criminal Procedure Code for releasing them on regular bail during trial in connection with Crime No. 142/2022 registered at Police Station Jhagrakhand, District-Koriya (C.G.) for the

offence punishable under Sections 392, 412, 34 of the IPC.

3. The first bail application of the applicants was dismissed as withdrawn with liberty to file afresh after examination of memorandum and seizure witnesses vide order dated 06.09.2022 in MCRC No. 6780/2022.
4. The prosecution story, in brief, is that complainant lodged a report alleging that he works as a photographer in the shop of Ravishankar Dewangan photo studio, on 06.06.2022, Ravishankar and Nirmal Kumar Kol gave him a camera and when he was going to his house after dropping Nimal Kumar at Ledri-Khongapani, two unknown people stopped him, dragged in the forest and looted the video camera of Panasonic and Nikon camera total amounting Rs. 45,000/-. Based on this, the offence has been registered against the present applicants.
5. Learned counsels for the applicants submit that the applicants are innocent and have been falsely implicated in the case. They next submit that applicant namely Omprakash has been arrested on the basis of the memorandum statement of Deepak Vishwakarma. In the present case, there is no ingredient of Section 412 of IPC. They also submit that the seizure witnesses have not supported the prosecution's case before the trial Court. They submit that the present applicants are in jail since 06.07.2022 & 07.07.2022 respectively, and there is no likelihood of their case being decided in the near future, therefore, the present applicants may be released on bail.
6. On the other hand, counsel for the State opposes the bail application.
7. I have heard learned counsel for the parties and perused the case diary.
8. Taking into consideration the nature of the offence, facts and circumstances of the case, detention period of applicants and further

considering the facts that the seizure witnesses have not supported the case of the prosecution before the trial Court, and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicants on bail. Accordingly, the applications are allowed.

9. Accused/applicants are directed to be released on bail on their executing a personal bond in the sum of Rs. 50,000/- each, with one surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-
(Rajani Dubey)
Judge