

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6439 of 2015

1. Nitesh @ Ritesh, S/o. Ravi Pawar, aged about 19 years,
2. Annanas @ Anish Rajput, S/o. Naresh Rajput, aged about 22 years, (father name of the applicant No.2 is not mentioned in the impugned order)

Both R/o. Dhubalmet, P.S. Katol, District – Nagpur (Maharashtra)

----Applicants

Versus

1. State Of Chhattisgarh, Through : District Magistrate, Rajnandgaon (C.G.), Chowki – Incharge, Chichola, P.S. Chhuriya, District – Rajnandgaon (C.G.)

---- Respondent

For Applicant	: Mr. Arvind Dubey, Advocate
For Respondent/State	: Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

01/12/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.99/2015, registered at Police Station – Outpost – Chichola, P.S. Chhuriya, District – Rajnandgaon (C.G.) for the offence punishable under Section 394, 395, 397, 427 of I.P.C. & Section 25 & 27 of Arms Act.
2. Case of the prosecution, in brief, is that the applicants were arrested for involvement in the commission of loot made on 21.06.2015 as they

looted gold ornaments and cash total worth Rs.1,20,000/-. Further as per prosecution case, Betab, Ranjeet and Matar were also co-accused committed the crime alongwith these applicants and Betab and Ranjeet after being arrested on their memorandum, these applicants were arrested and from these applicants cash of Rs.1,500/- and Rs.500/- were seized and thereby the offence is committed.

3. Learned counsel for the applicants would submit that the applicants have been falsely implicated in this case and no recovery has been made and only currency of Rs.1200/- and Rs.500/- have been made. He would further submit that TIP has been conducted of other accused namely Betab and Ranjeet and they have been identified in TIP. He would further submit that the applicants are in jail since 30.07.2015 and therefore, he prays that the applicants may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Taking into the fact that only on the basis of memorandum and recovery of currency of Rs.1200/- and Rs.500/-, the applicants have been arrested and considering the evidence available against these applicants, and further considering the pre-trial detention of the applicants, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Balram