

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.203 of 2016

Himanshu Shrivastava @ Ashu, S/o Late Shri Chandrashekhar Shrivastava, aged about 20 years, R/o Village Shrivastava, Sonarpal, Police Station Bhanpuri, District Bastar, Chhattisgarh

---- Applicant

Versus

State of Chhattisgarh, Through Police Station Kondagaon

---- Non-applicant

For Applicant:	Mr. Avinash K. Mishra, Advocate.
For Non-applicant:	Mr. Adhiraj Surana, Deputy Govt. Advocate.

ANDMisc. Criminal Case No.438 of 2016

Shivlal Baghel @ Adi Konda, S/o Ramchandra Baghel, aged about 28 years, R/o Narharpara, P.S. Kondagaon, Revenue and Civil District Kondagaon (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through the Police Station Kondagaon, District Kondagaon (C.G.)

---- Non-applicant

For Applicant:	Mr. P.K. Tulsyan, Advocate.
For Non-applicant:	Mr. Adhiraj Surana, Deputy Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

01/02/2016

1. Since both the applications are arising out of the same crime number, they are being disposed of by this common order.
2. The accused/applicants have moved these bail applications under Section 439 of the Code of Criminal Procedure, 1973 for releasing them on regular bail during trial in connection with Crime No.290/2015, registered at Police

Station Kondagaon, Distt. Kondagaon, for the offence punishable under Section 392 read with Section 34 of the IPC.

3. Case of the prosecution, in brief, is that on 11-11-2015, when Sigram and Ranu were going towards the village, they were intercepted by the applicants and other co-accused initially and asked where they were going and subsequently, after some time, the accused persons again went to them while they were going to village and looted Rs.50,000/- from Sigram and Rs.5,000/- from Ranu. The victims went to the village and thereafter reported the matter to the Sarpanch and after identifying the accused, lodged the report.
4. Learned counsel for the applicants submit that the applicants have not committed any offence and they have been falsely implicated in the case, as the incident occurred on 11-11-2015 and the FIR was lodged on 17-11-2015. They further submit that as per case of the prosecution, on the date of incident, the applicants and other co-accused were identified, but no report was lodged, therefore, the applicants may be enlarged on bail.
5. On the other hand, learned State counsel opposes the bail applications.
6. I have heard learned counsel for the parties and perused the case diary.
7. Taking into consideration the nature and gravity of offence, facts and circumstances of the case and the manner in which the recovery of money is said to have been made, I do not consider it a fit case for grant of bail to the applicants. Consequently, both the applications stand rejected.

Sd/-
(Sanjay K. Agrawal)
Judge