

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5048 of 2016

Dilip Jumnani S/o Late Ramesh Lal Jumnani Aged About 35 Years
R/o House No. 70, Salasar Green, Sarona, Police Station D.D.
Nagar, Raipur, District Raipur, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station
Ganj, Raipur, District Raipur, Chhattisgarh.

---- Respondent

For Applicant	:- Mr. S.C. Verma, Advocate
For Respondent/ State	:- Mr. Anil S Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

26/08/2016

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 257/2015 registered at Police Station- Ganj, Raipur District Raipur (C.G.) for the offence punishable under Sections 393,307,397,114,120B of the Indian Penal Code and section 25/27 of the Arms Act.
2. The first bail application of the applicant was rejected on merit on 05.07.2016 in M.Cr.C. No. 3332 of 2016.
3. As per the prosecution case, on 03.02.2015 a report was lodged by the complainant Bharat Jethwa that he alongwith his colleague Chhabilal withdrew an amount of Rs. 12 lakhs from Punjab National Bank and he was already having Rs. 6,73,000/- thus they

were holding the total cash of more than Rs. 18 lakhs which was kept in a bag alongwith Firm documents. While they were going with money by motorcycle, two persons namely Vikash Sonkar and Ashish Thakur overtook and intercepted the motorcycle of complainant and thereafter threatened them and snatched the bag from complainant. On being resisted, the accused who was sitting on the offending motorcycle fired bullet shots but that bullet shots was missed and at that time Chhabilal was assaulted by accused and when Chhabilal was running with bag, the accused chased him and fired bullets on him but the bullet shot missed. After snatching the bag from Chhabilal, the accused tried to flee away, however, Chhabilal pulled the back side of the motorcycle of accused when the accused tried to flee whereby the other accused Vikash and Ashish fell down and they were caught red handed by the public gathered there. Subsequently on interrogation it was revealed that this applicant has hatched conspiracy to commit loot of complainant. The other person Vijay and another were identified a day before and the allegation against the applicant is that he was part of the conspiracy in committing loot/dacoity.

4. Counsel for the applicant submits that earlier the bail was dismissed on 05.07.2016. Since there are certain documents which could not be placed before this Court, and as such, the documents placed before this Court and the same may be reconsidered.
5. Per contra, learned State counsel opposes the prayer for grant of bail.

6. Considering the submissions made, the documents on which the applicant seeks further bail can not be directly entertained by this Court. The applicant has to approach to the trial Court with all the documents and may file an application for bail. With such liberty the bail petition stand disposed of.
7. It is observed that the trial Court may not be influenced by the earlier rejection order of this Court, while considering the bail application of the applicant again on merit.

Sd/-
(Goutam Bhaduri)
Judge