

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5169 of 2016

1. Ankit Singh, S/o. Hawaldar Singh, Aged About 22 Years, R/o. Q. No. L.I.G.-602, M.P. Housing Board Colony, Near Hundai Show Room, Bhilai, Tahsil & Distt. Durg, Chhattisgarh
2. Mukesh Kumar Mandal, S/o. Jogender Mandal, Aged About 20 Years, R/o. Barek Of Pilaniya Company, Hathkhoj, P.S. Bhilai-3, Tahsil & District Durg, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh, Through : S.H.O., P.S. Jamul, Distt. Durg, Chhattisgarh.

---- Respondent

For Applicants : Mr. B.L.Dembra, Advocate

For Respondent : Mr. Neeraj Sharma, Dy. Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

05.09.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No.229/2016 registered at Police Station Jamul, Distt. Durg (C.G.) for the offence punishable under Section 454, 394 of Indian Penal Code.
2. As per the prosecution case, on 11.04.2016 the applicants entered into the house of the complainant namely Satya Narayan Tiwari and looted Rs.1,28,000/- which was left after the labour payment and at that time the son of the complainant was present in the house. Subsequently, at the behest of the applicants, certain amount was recovered as Rs.48,000/- was recovered from the applicant No.2 Mukesh Kumar Mandal and Rs.80,000/- alongwith ATM of the complainant was recovered from the applicant No.1 Ankit Singh.

3. Learned counsel for the applicants would submit that the applicants have been falsely implicated and no evidence is available against the applicants. He further submits that the charge sheet in this case has been filed and the applicants are in jail since 12.04.2016, therefore, they may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the statement of the complainant Satya Narayan Tiwari as also the recovery made. Considering the fact that from the applicant No.1 ATM was recovered apart from the cash of Rs.80,000/- and from the applicant No.2 cash alongwith one Bag was recovered wherein it is alleged that the money was kept, I am not inclined to release the applicants on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge