

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 918 of 2016

1. Sandeep Kumar Pandey, S/o. Late Shri Ashwni Kumar Pandey, aged about 38 years, R/o. Village- Gidhpuri, P.S. - Palari, District – Baloda Bazar-Bhatapara (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Police Station – Palari, District – Baloda Bazar-Bhatapara (C.G.)

---- Respondent

AND

M.CR.C. No. 1193 of 2016

1. Paras Chandrakar, S/o. Shankarlal Chandrakar, aged about 30 years, R/o. Village-Bhawanipur, Police Station – Palari, Civil and Revenue District – Baloda Bazar-Bhatapara (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : the Station House Officer, Police Station – Palari, Civil and Revenue District – Baloda Bazar-Bhatapara (C.G.)

---- Respondent

For Applicants	: Mr. Prateek Sharma, Advocate and Mr. Janak Ram Verma, Advocate
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For Respondent/State	: Mr. Anil S. Pandey, Govt. Advocate
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Hon'ble Shri Justice Goutam Bhaduri

Order On Board

29/02/2016

1. These are the second bail applications 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.216/2015, registered at Police Station – Palari, District – Balodabazar-Bhatapara (C.G.) for the offence punishable under Section 395, 427, 432/34 of the Indian Penal Code.

2. Case of the prosecution, in brief, is that the applicants along-with other co-accused persons entered into the office of Mahanadi Construction on 07.07.2015 and thereafter, assaulted Brihaspati Dev Singh and thereafter, took away the Bolero Car bearing No.C.G.-04-KZ-3244 and along-with that took away four Hywa tyre and Bolero car. The first bail application of the applicants are dismissed as withdrawn on 24.11.2015 and 29.01.2016 respectively.
3. Learned counsel for the applicants would submit that the applicants have been falsely implicated in this case. They would further submit that the way the offence is alleged to have been committed, it is completely improbable as the five persons on Bolero with hywa tyre could not have gone out. They would further submit that charge-sheet in this case has been filed and the place of seizure is also from Mahanadi Construction, therefore, if the vehicle and tyres is taken away, it could not have been seized from the place of the complainant. They would further submit that no further investigation is necessary and the seizure has already been made, therefore, 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. Perused the charge-sheet and the case diary. The property, which is alleged to have been looted prima-facie shows that it was seized from the Mahanadi Construction. Taking into the fact that charge-sheet in this case has been filed and the degree of allegation levelled against

the applicants and taking into the fact that the applicants are in jail since 16.10.2015, 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 applications filed under Section 439 of the Cr.P.C. are 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