

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7512 of 2015

1. Vikas Sonwani, S/o. Dashrath Sonwani, Aged about 21 years, Resident of Dumriha, Police Station –Pendra, District – Bilaspur (C.G.)
2. Mahesh Kol S/o. Samaru, Aged about 30 years, R/o. of village -Tendupara, Police Station- Pendra, Distict Bilaspur (C.G.)
3. Dinesh Sonwani S/o. Mallua, Aged about 30 years, Resident of Village - Tendupara, Police Station- Pendra, Distict Bilaspur (C.G.)
4. Prakash Bhariya S/o. Heeralal Bhariya, Aged about 50 years, Resident of Village -Tendupara, Police Station- Pendra, Distict Bilaspur (C.G.)

---- Applicants

Versus

State of Chhattisgarh, Through:- Station House Officer, Police Station- Pendra, District – Bilaspur (C.G.)

---- Respondent

For Applicants : Mr. Yogendra Chaturvedi, Advocate

For Respondent : Mr. Anant Bajpai, Penal Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

13 / 01 / 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. 278/2015, registered at Police Station–Pendra, District – Bilaspur (C.G.) for the offence punishable under Sections 379,414,34 of IPC and section 5, 15 of Chhattisgarh Forest Act and section 3, 10 of Damages to Public Property Act.
2. Case of the prosecution, in brief, is that on 20.08.2015 an information was received that a Scorpio bearing registration No. C.G.04/H.N. 3803 was being loaded 102 Kg sandal wood which was total of Rs. 3 lakhs, therefore, two accused persons namely

Koshlesh Kumar Shukla and Levendra Singh Dhurve were apprehended. During the course of investigation, on the basis of memorandum statement of Koshlesh Kumar Shukla and Levendra Singh Dhurve, the applicants have been arrested.

3. Counsel for the applicants submits that the applicants are innocent and they have been falsely implicated in this case. He further submits that no evidence is available against these applicants only on the basis of memorandum of co-accused the applicants have been arrested. He further submits that the other co-accused Koshlesh Kumar Shukla and Levendra Singh Dhurve has been granted bail by the Court below. He further submits that the charge sheet in this case has been filed and the the applicant No 1 and 2 are in jail since 01.10.2015 and the applicant No. 3 and 4 are in jail since 03.11.2015, therefore, they may be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Perused the case diary and the statement. Perusal of the case diary and the statement would show that the charge sheet in this case has been filed and the applicants have been apprehended only on the basis of memorandum statement of the other co-accused persons namely Koshlesh Kumar Shukla and Levendra Singh Dhurve and they have been granted bail by the Court below. Considering the facts and circumstances of the case, that the applicant No 1 and 2 are in jail since 01.10.2015 and the applicant No. 3 and 4 are in jail since 03.11.2015, I am inclined to release the applicant on bail.

7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicants shall be released on bail on furnishing a personal bond for a 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.

Sd/-
(Goutam Bhaduri)
Judge