

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2913 of 2016

1. Mohd. Haneef Khan, S/o. Zahur Khan, Aged About 57 Years.
2. Mohd. Saleem Khan, S/o. Hasan Khan (wrongly mentioned in bail rejection order as Hasan Lal), Aged About 46 Years.
3. Mohd. Anees Khan, S/o. Haneef Khan, Aged About 27 Years.

All R/o. Ward No.16, Gaushala Magror, Shivpuri, P.S. Dehaat, Shivpuri, District Shivpuri (Madhya Pradesh).

(Wrongly mentioned in bail rejection order as Sivpuri, P.S. Dehaat Thana, Sivpuri, District Sirpuri, Chhattisgarh).

---- Applicants

Versus

State Of Chhattisgarh, Through Police Station- Panduka, Revenue District Gariyaband, Civil District Raipur, Chhattisgarh.

---- Respondent

For Applicants : Mr. Adil Minhaj, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

15/06/2016

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.03/2016 registered at Police Station- Panduka, Revenue District Gariyaband, Civil District Raipur (C.G.) for the offence punishable under Section 392 of Indian Penal Code.
2. Case of the prosecution, in brief, is that the complainant Gopal Ram had made a report that he had employed to leveling the field by JCB Machine for which the applicants were engaged and Rs.5000/- was paid and when further demand was made, the applicant went along-with the complainant to Gariyaband Gramin Bank and withdrew Rs.2 Lacs. While they were coming back, two other persons came and looted the amount of Rs.2 Lacs from the complainant and all of persons fled away.

3. Learned counsel for the applicants would submit that while the complainant was coming back, two persons intercepted and looted the amount. It is further submitted that neither the allegations of loot have been attributed to this applicants nor any statement is made that the applicants were party to the loot. It is stated further name of the applicants were even not disclosed in FIR, subsequently they have been inculpated on false grounds; therefore, the applicants may be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the statement, FIR and the documents. It is stated that after the amount was withdrawn, the complainant was coming back along with the applicants on bike and when at the request of one of applicant stopped to answer the call of nature, at that time, two other persons came in the other vehicle and looted the amount of Rs.2 Lacs and fled away. Perusal of the case diary shows that two other persons namely Parvin & Aarif are still absconding and as per memorandum the said Aarif is certainly a relative of applicants. Admittedly, in absence of Aarif, the charge sheet has been filed. Looking into such facts and circumstances of the case and the way the offence has been committed and considering the fact that one of the accused is still absconding, who is stated to be relative of the applicants, I am not inclined to release the applicants on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is rejected.

Sd/-
(Goutam Bhaduri)
Judge