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HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7626 of 2016

1. Bhupendra Kumar Sahu, S/o. Dwarika Sahu, aged about 24 years, R/o. Village-Sonesilli, Police Station : Gobranawapara, District – Raipur (C.G.)
2. Chandresh Sahu, S/o. Late Panchuram Sahu, aged about 25 years, R/o. Village- Arand, Police Station : Rajim, Distrit – Gariyaband (C.G.)

----Applicants

Versus

1. The State of Chhattisgarh, Through : Police Station – Fingeshwar, District – Gariyaband (C.G.)

---- Respondent

For Applicants : Mr. Pushpendra Kumar Patel, Advocate

For Respondent/State : Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

30/11/2016

1. This is the first bail application 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.55/2016, registered at Police Station – Fingeshwar, District – Gariyaband (C.G.) for the offence punishable under Section 394, 395, 34 of the Indian Penal Code.
2. Case of the prosecution, in brief is that the complainant, Pradeep Sahu, who was working in Kaka Hosiery at the instance of his owner went for recovery of money in the Scorpio No.C.G.-04-HL-6243 along with Bhupendra Sahu, applicant No.1, Bhawani Shankar and Likesh Kumar Sahu. They recovered Rs.1,50,000/- and while was coming back from Chhura to Nayapara Rajim, near Soridkhurd, tyre of the vehicle got punctured and when they were changing the

tyre at that time, 2 to 3 persons came and threw chilli powder in to the eyes and looted the amount. Subsequently, the applicants were arrested and on memorandum of the driver of the vehicle, Likesh, the other co-accused and the cash was recovered and Chandresh Sahu was also identified. Thereby the offence has been committed.

3. Learned counsel for the applicant submits that the applicants have been falsely implicated in this case and there is no evidence against the present applicants except the recovery of money. It is further submitted that charge-sheet in this case has been filed and the applicants are in jail since 03.06.2016, therefore, the counsel prays that 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.
6. Perused case diary and the memorandum statements, wherein it shows that the present applicants along with other co-accused has committed the offence in an organized manner by hatching conspiracy. Taking into the nature of allegation and the recovery of money from the present applicants, this Court is not inclined to release the applicants on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge