

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7486 of 2016

- Santosh Sharma S/o Jaynandan Sharma Aged About 29 Years R/o Bangali Colony, New Khursipar, Bhilai, Police Station Khursipar, Tahsil & District Durg, Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh through Station House Officer, Police Station Purani Bhilai, District Durg, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. B.P. Singh, Advocate
For the Respondent	:	Mr. U.K.S. Chandel, Panel Lawyer

MCRC No. 7567 of 2016

- Surendra Singh Patel @ Satyendra Patel S/o Vasudev Patel Aged About 25 Years R/o Village Motipur Tikait, Police Station Bharni, District Devriya (Uttar Pradesh) Present Address New Housing Board Baikunthdham, Supela, Bhilai, Police Station - Supela, Tahsil & District Durg Chhattisgarh --- **Petitioner**

Versus

- State of Chhattisgarh Through, Station House Officer, Police Station Old Bhilai, District Durg Chhattisgarh --- **Respondent**

For the applicant	:	Mr. Vivek Tripathi, Advocate
For the Respondent	:	Mr. U.K.S. Chandel, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

28.11.2016

1. These are two bail applications filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicants in connection with Crime No. 539/2014 registered at P.S. Purani Bhilai, Distt. Durg (C.G) for the offence punishable under Section 393 of IPC and Sections 25 & 27 of the Arms Act.
2. As per the prosecution case, on 26.12.2014 a report was

lodged by complainant Pramod Sharma that he was serving as Field Officer in Pilaniya Industries and on the date of incident i.e., 26.12.2014 at about 7.p.m., after collection of the amount he was going back to Durg from Raipur to deposit the money in the Company and on the way near Kumhari the applicant alongwith another accused tried to snatch the bag but they could not do so and fled away but it was done at the instance of Santosh Sharma who abetted the crime.

3. Learned counsel for the applicant Surendra Singh Patel @ Satyenndra Patel would submit that this applicant was arrested in NDPS case on 12.09.2014 and in that case his memorandum was obtained and the applicant has been falsely implicated in this case and no evidence is available against the present applicant.
4. Learned counsel for the applicant Santosh Sharma submits that barring the memorandum of other co-accused no other evidence is available against him, therefore the applicant has been falsely implicated in this case. It is further submitted that the applicants have not been identified by the complainant, the incident is of the year 2014; charge sheet in this case has been filed and they are in jail since 12.09.2016, therefore, the present applicants may be enlarged on bail.
5. Per contra, learned State Counsel opposes the bail.
6. Perused the case diary. Considering the facts and circumstances of the case especially the fact that no identification of the applicants has been made but they have been implicated on the basis of memorandum; charge sheet has been filed; the incident is of the year 2014 and the

nature of evidence available against the applicants, I am inclined to allow these bail applications.

7. Accordingly, the bail applications are allowed and the applicants are directed to be released on bail on each of them executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court. They shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**

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