

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 4947 of 2017**

1. Bhanwar Singh Jat S/o Shri Pooran Singh Jat, aged about 24 years, R/o Sirpur, Bagai Kona, Police Station Doundilohara, District Balod (Chhattisgarh).
2. Hemant Yadav S/o Premnarayan Yadav, aged about 26 years, R/o Jaisakarra, Police Station Charama, District Kanker (Chhattisgarh).

---- Applicants**Versus**

State of Chhattisgarh through Station House Officer, Police Station
Mana Camp, Raipur, District Raipur (Chhattisgarh).

---- Respondent

For Applicant	:	Smt. Fouzia Mirza, Advocate
For Respondent/State	:	Shri D. R. Minj, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****20/11/2017**

This is the first bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicants who have been arrested in connection with Crime No. 49/2017 registered at Police Station Mana Camp, Raipur, District Raipur (CG) for the offence punishable under Sections 394, 419, 34 of IPC.

2. The allegation against the present applicants is that on 14.03.2017 the applicants along with two other co accused namely Amar Singh and Santosh Pal are said to have intercepted the complainant Kamlesh when he was coming on a pickup van loaded with cabbage from Jagdalpur to Raipur and looted the bag containing cash of around Rs.6,000/- and his Adhar card and also snatched the pickup van from him. Thereafter, the applicants are said to have taken the complainant to Midtwon hotel at Raipur and confined him in a room. They asked the complainant to deposit

an amount of Rs.20,000/- in the bank account of applicant no.1 Bhanwar Singh which the complainant could not fulfill on account of insufficient money. The applicants are said to have projected themselves as police personal while committing the said offence.

3. Counsel for the applicants submits that even if the entire version of the prosecution story is accepted as it is, the offence at best which could be made out against the present applicants is that of an extortion and that considering the period of custody already undergone by them, the present applicants deserve to be released on bail.

4. State counsel, on the contrary, opposing the bail application submits that it is a case where the present applicants are said to have borrowed a swift car from some person and used the same for committing the offence and subsequently snatched the bag of the complainant containing cash of Rs.6,000/-, the Adhar card etc. He submits that so far as applicant no.1 is concerned, the Adhar card was recovered from him and so far as applicant no.2 is concerned, the mobile phone from which a text was sent by the present applicants for transferring an amount of Rs.20,000/- was recovered from him. Likewise, the pickup van was also recovered from co-accused Amar Singh. Thus, prayed for rejection of the bail application.

5. Having considered the contentions put forth on either side particularly taking into consideration the nature of crime committed by the present applicants and the manner in which it was committed, this Court is not inclined to release the applicants on bail.

6. Accordingly, the instant bail application filed under Section 439 CrPC stands rejected.

Sd/-
(P. Sam Koshy)
JUDGE