

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 622 of 2017

1. Harjeet Singh, aged about 22 years, S/o. Mahender Singh, R/o. Valtowa, P.S. -Valtowa, District – Tarantal (Punjab).
2. Guruchet Singh, aged about 22 years, S/o. Sardar Gulzar Singh, R/o. Village-Kotli Basaw, P.S. - Valtowa, District – Tarantal (Punjab).

----Applicants

Versus

1. State of Chhattisgarh, Through : Police Station – Mana Camp, District – Raipur (C.G.)

---- Respondent

For Applicants	: Mr. N. Naha Roy, Advocate
For Respondent/State	: Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

09/02/2017

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.73/2015, registered at Police Station – Mana Camp, District – Raipur (C.G.) for the offence punishable under Section 379, 427, 511 of Indian Penal Code.
2. Case of the prosecution, in brief, is that a report was made by Vijendra Sahu, who is working in Mphasis company alleging that Central Bank of India has placed ATM at Village-Temri and on 13.05.2015, few persons tried to break away the ATM and take away the money. Subsequently on such information, the investigation was carried out and the present applicants were arrested and on their memorandum it revealed that the applicants belonged to Punjab has committed various breaking of ATM and cutting of lockers of Allahabad Bank and taken away the money along with other accused persons. Thereby the

offence has been committed.

3. Learned counsel for the applicants would submit that only on the basis of memorandum, the applicants have been inculpated in the crime and some cash was only seized from the present applicants and in another case like nature, on which the seizure was made, the seizure witnesses became hostile and the applicant was enlarged on bail in Crime No.325/2015, which would show that the applicants have been falsely implicated and when the FIR was made no reference of memorandum is made on that. Therefore, the counsel prays that the applicants may be released 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 the case diary, documents as also the memorandum statement, which would show that the applicants are members of interstate gang and have committed various offence and mostly ATM were targeted and were broken and were looted. In few of them they succeeded and in few of them, they failed and various offences were registered and seizure was made. Taking into such fact and the nature of allegations levelled against the applicants, I am 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