

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 2030 of 2017

1. Herisan Basant Jogi, S/o. Basant, age about 50 years, R/o. Vishrampur, Tahsil – Simga, District – Balodabazar-Bhatapara (C.G.).
2. Santosh Kumar Suryavanshi, S/o. Gamgaram Suryavanshi, aged about 37 years, R/o. Gadhwat, Police Station – Ratanpur, District – Bilaspur (C.G.)

----Applicants

Versus

1. State of Chhattisgarh, Through : The Station House Officer, Police Station -Sirgitti, District- Bilaspur (C.G.).

---- Respondent

For Applicants	:	Mr. U.K.S. Chandel, Advocate
For Respondent/State	:	Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

12/04/2017

1. This is the second 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.427/2016, registered at Police Station – Sirgitti, District – Bilaspur (C.G.) for the offence punishable under Section 341, 394, 34 of Indian Penal Code. The first bail application was dismissed as withdrawn with liberty to repeat the same after filing of the charge sheet vide order dated 28.02.2017 in M.Cr.C. No.927/2017.
2. Case of the prosecution, in brief, is that a report was made by Deendayal Sahu alleging that while he was going to Patna on his truck bearing No.C.G.04/L.K.-1445 on 20.12.2016 at 12.30 in the night at

Tifra Bilaspur bridge, the applicants along with others came before the truck and intercepted the truck by Vista Car and thereafter, they got up in the truck and looted Rs.18,000/- and mobile. Thereby the offence has been committed.

3. Learned counsel for the applicant would submit that this is second bail application. The first bail application was dismissed as withdrawn with liberty to repeat the same after filing of the charge-sheet and now the charge-sheet has been filed and no further investigation is required. It is further submitted that the applicants have been falsely implicated in this case and there has been some dispute in between Nishal @ Babloo and Rajesh, who are also transporter and the applicants were not named in the FIR and the case of the applicants are different from that of other co-accused namely Nishal against whom, the named FIR was made and the present applicants without any information accompanied the other co-accused, therefore, 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 the FIR. Perusal of the FIR would show that FIR was made against Nishal and Rajesh and direct allegations have been attributed. Also perused the memorandum statement of Santosh Kumar Suryavanshi. Taking into the same and the role played by the applicants, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge