

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2116 of 2017

1. Harjeet Singh, S/o. Mahender Singh, Aged About 22 Years, R/o. Valtowa, Police Station Valtowa, District Tarantal, Punjab.
2. Guruchet Singh, S/o. Sardar Gulzar, Aged About 22 Years, R/o. Village Kotli Basaw, Police Station Valtowa, District Tarantal, Punjab.

---- Applicants

Versus

State Of Chhattisgarh, Through The Police Station : Mana Camp,
District Raipur, Chhattisgarh.

---- Respondent

For Applicants : Mr. N Naha Roy, Advocate

For Respondent : Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

13.04.2017

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has 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. The first bail application was dismissed on merit on 09.02.2017 in MCRC No.622 of 2017.
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 submits that after rejection of the first bail application on 09.02.2017, the memorandum witnesses have been examined and they have not supported the case of the prosecution; therefore, no offence is made out against the present applicants, consequently, they may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Considering the order dated 09.02.2017, which shows that the first bail application was dismissed on merit on the ground that mostly ATM and Banks were targeted and were broken and looted by the applicants and other co-accused at different places all over India. Considering the argument that few of the memorandum witnesses have been examined and they have not supported the case of the prosecution, it would not be proper for this Court to evaluate the entire case only by picking up two statement of Krishna Kumar and Narendra Kumar as it would amount to usurp the power of the Trial Court while hearing the bail application. Considering the same, I am not inclined to entertain this second bail application.
6. Accordingly, the second bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge