

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 18 of 2018**

1. Anup S/o Harshit Dhali, Aged About 25 Years R/o Pahuvel, P. V. 02, P. S. Kunderi, District Navrangpur Odisha, Orissa
2. Harshit, S/o Late Dhanjay Dhali, Aged About 53 Years R/o Pahuvel, P. V. 02, P. S. Kunderi, District Navrangpur Odisha, Orissa.

---- Applicants**Versus**

State Of Chhattisgarh Through The Police Station Dhanora District
Kondagaon Chhattisgarh.

---- Respondent

For the Applicants	:	Shri P.K. Tulsyan, Advocate.
For the Respondent/State	:	Shri Aditya Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****20.03.2018**

Heard.

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.15 of 2017, registered at Police Station – Dhanora, District – Kondagaon, Chhattisgarh for the offence punishable under Sections 395, 412 and 323 of the Indian Penal Code.

2. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case only on the basis of the memorandum statement given by the main accused Vasudev @ Jeetu. The recovery that has been made from this applicant is only cash amount which is not an

article for identification as stolen property. Hence, no case is made out against the applicant and it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the applicants are the recipients of the stolen property obtained from the offence of dacoity. It is also objected that the applicants are residents of Odisha, hence, if they released on bail, it would become difficult to secure their presence before the Court. Hence, the applicants are not entitled for grant of bail.

4. Heard counsel for both the parties and perused the case diary.

5. Complainant – Deepak Roy lodged FIR in P.S. Dhanora, District Kondagaon stating that the offence of dacoity of Rs.9.5 lakhs has been committed by six unknown persons on 19.7.2017. During investigation, the main accused Vasudev @ Jeetu was arrested, who on interrogation, in his memorandum statement stated that he has given some amount to his brother and father who are the applicants in this case. An amount of Rs.50,000/- has been recovered from applicant No.1 and Rs.1,00,000/- has been recovered from applicant No.2.

6. Considering the material present in the case-diary and the fact that there is no criminal history of these applicants, I am of the opinion that the present is a fit case where the applicants are entitled to be released on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge