

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 331 of 2018

Ashutosh Dwivedi S/o Ramesh Dwivedi, Aged About 29 Years R/o
Awass Vikash Hanshpuram, Navbasta Amlipur, Police Station
Navbasta, Tahsil Kankur, District Kanpur Nagar U. P. , Uttar Pradesh

---- Petitioner

Versus

State Of Chhattisgarh Through Station House Officer, Police Of
Police Station Bhatapara Sahar District Baloda Barar Bhatapara
Chhattisgarh , Chhattisgarh

---- Respondent

MCRC No. 705 of 2018

1. Ramdayal Gautam & Ors. S/o Mahrajdeen Gautam Aged About 36
Years R/o Kanpur, Navbasta Mandi, P.S. Bidhnu, District Kanpur
Nagar (U.P.), District : Kanpur Nagar, Uttar Pradesh
2. Ramji Gupta S/o Goverdhan Prasad Gupta Aged About 29 Years
R/o Musafa, P.S. Bakewar, District Fatehpur (U.P.), District :
Fatehpur, Uttar Pradesh
3. Vishwanath Dhivar @ Sanjay Dhivar S/o Seetaram Dhivar Aged
About 28 Years R/o Village Bargaon, P.S. Akaltara District Janjgir
Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---- Petitioners

Versus

State Of Chhattisgarh Through S.H.O. P.S. Bhatapara (City) District
Baloda Bazar Bhatapara Chhattisgarh

---- Respondent

For respective Applicants : Mr. Anil Gulati & Mr. Hemant Gupta,
Advocates.

For State : Mr. Satish Gupta, GA

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order on Board

20/04/2018

1. Both the applications are being disposed off by this common order

as they arise out of the same crime number.

2. The applicants have been arrested in connection with Crime No. 287/2017 registered at Police Station – Bhatapara (Sahar), District-Baloda Bazar- Bhatapara (CG) for alleged commission of offences under Section 457, 380, 420 r/w 34 of IPC.

3. Case of the prosecution is that the applicants have stolen jewellery from the jewellery shop of value of Rs. 12,00,000/-.

4. Learned counsel for the applicant Ashutosh Dwivedi submits that the applicant has been falsely implicated. He further submits that neither any stolen article has been seized from his possession nor he has been identified by anyone as involved in the alleged commission of offence. Investigation and charge sheet has been filed. Therefore, he may be granted bail.

5. Learned counsel appearing for other co-accused namely Ramdayal Gautam, Ramji Gupta and Vishvanath Dhivar would submit that false seizure has been made against them and they are falsely implicated. Investigation is complete. Charge sheet has been filed. Applicants are in jail since 06-10-2017. They may be granted bail.

6. On the other hand, learned counsel for the State opposes bail application and submits that applicants have committed theft in jewellery shop and ornaments were of Rs. 12,00,000 have been stolen. Applicants may not be granted bail.

7. The allegations against the Ashutosh Dwivedi is that he is the owner of vehicle No. UP78 BF 9468 which was intercepted at the spot and the stolen jewellery were recovered. As far as other applicants are concerned, it is alleged that they were found in the vehicle and jewellery was seized from their possession. Therefore, no case is made out for grant of bail, the application is accordingly rejected. In case there is delay in trial the applicants may revive their applications.

Sd/-

(Manindra Mohan Shrivastava)

Judge