

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 231 of 2018**

1. Vasudev urf Vasu S/o Paritosh urf Parimal Banik, Aged About 22 Years, R/o Uv-16 Silati, P. S. Umarkot, District Navrangpur Odisha.
2. Sujan Urf Manoj S/o Savesh Mandal, Aged About 19 Years, R/o Pahurval Pv-02, P. S. Kundai, District Navrangpur Odisha.
3. Navojit S/o Kumud Sarkar, Aged About 19 Years, R/o Uv-16 Silati, P. S. Umarkot, District Navrangpur Odisha.
4. Mahesh Urf Monu S/o Dilip Sarkar, Aged About 20 Years, R/o Uv-16 Silati, P.S. Umarkot, District Navrangpur, Odisha.

---- Applicants**Versus**

State Of Chhattisgarh Through The Police Station Dhanora, District Kondagaon (Chhattisgarh).

---Respondent

For Applicants	:	Shri Raza Ali, Advocate.
For State	:	Ms.M.Asha, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****07/03/2018**

1. This is an application filed under Section 439 Cr.P.C. for grant of bail to the applicants, who have been arrested in connection with Crime No.15/2017 registered at Police Station Dhanora, Kondagaon (C.G.) for the offence punishable under Sections 396, 412 & 323 of I.P.C.
2. Present applicants are in jail since 02/08/2017.
3. The case of the prosecution against the present applicants is that, the present applicants in connivance with the other accused persons is said to have committed dacoit in the farm house of the complainant and is said to have looted an amount of Rs.9.5 Lakhs. Lateron, during the course of investigation, the main accused person – Jitu Dhali – the driver of the complainant's son in law was arrested and in his memorandum statement he has divulged the names of the

present applicants and the other accused persons and on the basis of the said memorandum statement, the present applicants were also arrested. In the memorandum statement, the main accused – Jitu had made disclosure of the distribution of the looted money between all the accused persons and subsequently during the course of arrest, an amount of Rs.75,000/-, Rs.65,000/-, Rs.55,000/- & Rs.45,000/- respectively were recovered/seized from the possession of each of the four applicants herein.

4. Though, the memorandum statement may not be admissible, but the recovery made from the possession of the present applicants definitely has to be given some weightage.
5. The counsel for the applicants submits that, the present applicants have been falsely implicated and that they could not have been implicated merely on the statement made by the accused person – Jitu. He further submits that, only because some cash amount has been recovered from the possession of the present applicants cannot be a ground for implicating the present applicants in the offence as the cash amount has not been in any manner proved or identified of being the same which were looted from the premises of the complainant. He further submits that, the identification of the present applicants are doubtful for the reason that all the accused persons had covered their faces with a mask and therefore they could not have been identified by the complainant and thus prayed for releasing the applicants on bail.
6. The State counsel however opposing the appeal submits that, apart from the statement of the main accused Jitu, there is also a memorandum statement of the father of the main accused Jitu who

has also disclosed the fact that, Jitu had informed him about the amount of money that fell in his share being kept in the house of the said Jitu – the main accused and thus prayed for rejecting the bail application.

7. Considering the entire facts and circumstances of the case particularly taking note of the recovery of money being made from the possession of the main accused Jitu and also from the house of Harshit Dhali – the father of Jitu in addition the recovery of money being made from the possession of each of the present applicants prima-facie establishes the applicants to have been involved in the said commission of offence.
8. Given the facts and circumstances of the case, this Court does not find any strong case made out for releasing the applicants on bail at this juncture.
9. The present bail application thus fails and is accordingly rejected.

Sd/-
(P. Sam Koshy)
Judge