

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 818 of 2018

- Rahul Agrawal S/o Rajkumar Agrawal Aged About 24 Years Caste Agrawal, R/o Chhatamura Baypass Chowk Raigarh, Thana Tahsil And District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Saraipali, District Mahasamund Chhattisgarh, District : Mahasamund, Chhattisgarh

---- Respondent

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MCRC No. 825 of 2018

- Ankit Kashyap S/o Shailendra Kashyap Aged About 26 Years R/o Kotra Road, Dhangardeepa, Police Station And Tahsil Raigarh District Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Saraipali, District Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Respondent

For Applicants	:	Ms. Sharmila Singhai and Mr. Akath Kumar Yadav, Advocates.
For Respondent/State	:	Mr. N.K. Mehta, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

02/04/2018

1. Since both the above bail applications arise out of the same crime number, they are being disposed of by this common order.
2. This is the second bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to applicant- Rahul

Agrawal in MCRC No. 818/2018. His first application was dismissed as withdrawn. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to applicant-Ankit Kashyap in MCRC No.825/2018.

3. Both the applicants have been arrested in connection with Crime No.306/2017 registered at Police Station– Saraipali, District– Mahasamund(C.G.) for the offence punishable under Sections 395, 398 & 120-B of the Indian Penal Code and 25, 27 of Arms Act.
4. Learned counsels for the applicants submit that applicants are innocent and have been falsely implicated in this case. No case is made out on the basis of the material present in the charge-sheet filed against them. Both the applicants were not present on the spot of incident at the time of occurrence. Hence, it is prayed that the applicants be released on regular bail.
5. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that there is evidence that both the applicants were involved in the incident of dacoity committed in the house of the complainant, hence, they are not entitled for bail.
6. Heard both the parties and perused the case diary.
7. According to the prosecution case on 30.9.2017, more than 5 unidentified persons committed dacoity in the house of complainant Lalchand Agrawal and jewelery of gold and silver, cash and mobile sets of total worth Rs.8-9 lakhs were looted. Memorandum statement of both these applicants have also been recorded in which they have not only admitted their guilt but also got recovered some cash of loot.

8. Grant of bail is always discretionary, keeping in view the total facts and circumstances of the case, considering the entire material present in the case diary and the nature of offence committed in which a conspiracy to commit dacoity was hatched by these applicants, hence, I am not inclined to exercise the discretionary power in favour of these applicants for grant of bail.
9. Accordingly, the bail applications filed under Section 439 of Cr.P.C. are rejected.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha