

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1067 of 2018

- Ashok Kumar Agarwal S/o Shyamlal Agrawal Aged About 44 Years
Cast Agarwal, R/o 51 Park City Raigarh, Thana Tahsil And District
Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

---- Applicant

Versus

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

---- Respondent

MCRC No. 961 of 2018

- Arvind Dalmiya S/o Om Prakash Dalmiya, Aged About 40 Years R/o
Park City Colony Orissa Road Raigarh P.S. City Kotwali, Raigarh P.S.
City Kotwali Raigarh 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

&

MCRC No. 1275 of 2018

- Guddu Singh S/o Late Shri Chanchal Singh Aged About 33 Years R/o.-
Dumri Adda Post-Dumri, P.S. Dogrikanj, District-Saran Chapra (Bihar),
District : Saran, Bihar

---- Applicant

Versus

- State Of Chhattisgarh Through- The Station House Officer P.S.
Saraypali, District- Mahasamund, Chhattisgarh., District :
Mahasamund, Chhattisgarh

---- Respondent

For Applicants : Mr. Sanjay Agrawal, Advocate in MCRC No. 1067 of 2018.

Mr. Rakesh Pandey and Mr. Akath Yadav,
Advocates in MCRC No.961 of 2018.

Mr. Shailendra Dubey, Advocate in MCRC
No.1275 of 2018.

For Respondent/State : Mr. Vivek Singhal, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

16/05/2018

1. Since all the bail applications arise out of the same crime number, they are being disposed of by this common order.
2. The above bail applications are Second bail applications of applicant Guddu Singh and Ashok Kumar Agrawal. This is the first bail application of applicant of Arvind Dalmiya filed under Section 439 of the Code of Criminal Procedure, for grant of regular bail to the applicants who 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 & 120B of Indian Penal Code (for short 'IPC') and Section 25 & 27 of Arms Act.
3. Learned counsel for the applicants submits that applicants are innocent and have been falsely implicated in the crime in question. Applicants Ashok Kumar Agrawal and Arvind Dalmiya are in jail since 13.10.2017 and Applicant Guddu Singh is in jail since 14.10.2017 and the case is presently before the trial Court, after filing of charge-sheet on 3.1.2018. No case is made out against these applicants according to the material present in the charge-sheet. Cash of Rs.5,000/- and one gold ring has been seized from the possession of applicant Ashok

Kumar Agrawal which does not connect him with the crime in question.

Applicant Arvind Dalmiya has been arrayed as an accused for the offence of conspiracy for which there is no evidence and no record. As regards applicant Guddu Singh it is submitted, that he has been implicated in this case only because he received phone call asking him to connect with the other main accused persons in this case whereas he was not present on the spot of incident. Hence, on these grounds it is prayed that they may be released on regular bail.

4. Learned counsel for the respondent/State opposes the applications and submissions made in this respect.
5. Heard both the parties and perused the case diary.
6. According to prosecution case, on 1.10.2017 some unknown persons committed the offence of dacoity in the house of complainant Lalchand Agrawal and committed loot of gold and silver ornaments along with cash after putting the complainant and his family members under threat on the point of firearms and other weapons. After lodging of FIR during investigation, some articles have been seized at the instance of applicant Hareshwar Singh, Ankit Kashyap, Ashok Agrawal, Rahul Agrawal and Guddu Singh. Seizure of one car was made from applicant Arvind Dalmiya, which is alleged to have been used in the incident. Some of the accused persons have been identified in the test identification parade and some of the other accused persons are still absconding.
7. After considering on all the material present in the case diary, the involvement of applicants Ashok Kumar Agrawal, Guddu and Arvind Dalmiya in this case is clearly made out regarding the admissibility of evidence against these applicants is a question which shall be

determined by the trial Court. Looking to the seriousness of the allegation and the offence alleged to have been committed by these applicants, I am not inclined to exercise the jurisdiction under Section 439 of CrPC to grant bail to these applicants.

8. Accordingly, all the bail applications filed under Section 439 of Cr.P.C. are rejected.

Sd/-

(Rajendra Chandra Singh Samant)

Judge

Nisha