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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 6355 of 2017**

Vishnu Nagpure S/o Shri Suresh Nagpure, Aged About 25 Years R/o Siddheshwari Nagar Manewada Road Hudkeshwar District Nagpur (Maharashtra)

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer Police Station Kharsia, District Raigarh Chhattisgarh.

---- Respondent**And****M.Cr.C. No. 5847 Of 2017**

D. K. @ Digambar Thapekar Aged About 30 Years R/o Lalganj, Behind Police Chowki, Mehendi Bagh, P. S. Panch Pavli, District Nagpur, Maharashtra.

---- Applicant**Vs**

State Of Chhattisgarh Through Station House Officer Police Station Kharsia, District Raigarh Chhattisgarh.

---- Respondent**And****M.Cr.C. No. 5892 Of 2017**

Ashish Sarode S/o Virendra Sarode Aged About 42 Years Occupation Property Dealer, R/o Plot No. 80 Ratannagar, Manvapur, Near Bilas Bhawan District Nagpur Maharastra.

---- Applicant**Vs**

State Of Chhattisgarh Through Station House Officer Police Station Kharsia, District Raigarh Chhattisgarh.

---- Respondent**And****M.Cr.C. No. 6226 Of 2017**

Sandeep Dongre S/o Shri Kailash Dongre, Aged About 18 Years Ward No.34, Buddha Vihar, Parsodi, Near Gopal Nagar, Trimurthi Nagar, Police Station Rana Pratap Nagar, District Nagpur (Maharashtra).

---- Applicant**Vs**

State Of Chhattisgarh Through Station House Officer Police Station Kharsia, District Raigarh Chhattisgarh.

---- Respondent

And

M.Cr.C. No. 6371 Of 2017

Abhijit Singh @ Patri S/o Shri Dhanraj Ramgadhiya, Aged About 20 Years Plot No. 7, Bhole Nagar, Janki Nagar, Near Sai Mandir, Police Station Hudkeshwar, District Nagpur (Maharashtra)

---- Applicant

Vs

State Of Chhattisgarh Through Station House Officer Police Station Kharsia, District Raigarh Chhattisgarh.

---- Respondent

And

M.Cr.C. No. 6609 Of 2017

Gendram Yadav S/o Heera Lal Yadav Aged About 45 Years R/o Patharra, Police Station Jaijaipur, District Janjgir- Champa, Chhattisgarh.

---- Applicant

Vs

State Of Chhattisgarh Through Station House Officer Police Station Kharsia, District Raigarh Chhattisgarh.

---- Respondent

And

M.Cr.C. No. 6861 Of 2017

Sanjay Kumar @ Sanju Agrawal S/o Vinod Kumar Agrawal Aged About 45 Years R/o Village Jharra, Thana, Dabhra Janjgir Champa, Chhattisgarh.

---- Applicant

Vs

State Of Chhattisgarh Through Station House Officer Police Station Kharsia, District Raigarh Chhattisgarh.

---- Respondent

And

M.Cr.C. No. 7233 Of 2017

Narsingh Yadav S/o Sonau Yadav, Aged About 25 Years R/o Village Dataud, Tehsil & Police Station Jaijaipur, District Janjgir Champa Chhattisgarh.

---- Applicant

Vs

State Of Chhattisgarh Through Station House Officer Police Station Kharsia, District Raigarh Chhattisgarh.

---- Respondent

For the Applicants	:	Shri C.R. Sahu, Shri Suryakant Mishra, Ms. Sharmila Singhai and Shri Surfaraj Khan, Advocates.
For the Respondent/State	:	Shri Anupam Dubey, Dy. G.A.
For the Objector	:	Shri Vivek Singhal, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

ORDER

09.01.2018

1. Heard.
2. All these applications are being decided by this common order as they arise from the same incident. These are the first bail applications of the applicants 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. 158 of 2017, registered at Police Station – Kharsia, District – Raigarh, Chhattisgarh for the offence punishable under Sections 392, 396, 460 and 120-B of the Indian Penal Code.
3. Shri C.R. Sahu, learned counsel for the applicants in M.Cr.C. Nos.6355 of 2017, 5847 of 2017, 5892 of 2017, 6226 of 2017 and 6371 of 2017 submits that the applicants are innocent and they have been falsely implicated in these cases. The recovery made from these applicants is of no consequence and the articles recovered are commonly found in every household and do not connect them with the offences for which they are being prosecuted. Hence, it is prayed that the applicants in these cases are entitled for grant of bail.

4. Shri Suryakant Mishra, learned counsel for the applicant in M.Cr.C. No. 6609 of 2017 submits that the applicant has been falsely implicated in this case only on the basis of suspicion. The applicant is ready to abide by all the conditions that may be imposed on him. Hence, it is prayed that the applicant be enlarged on bail.

5. Ms. Sharmila Singhai, learned counsel for the applicant in M.Cr.C. No.6861 of 2017 submits that no case is made out against the applicant on the basis of the material placed before the Court by the prosecution. The name of the applicant has not been mentioned in the FIR, he has been impleaded as accused in the case on the basis of the memorandum statement given by him, which is not an admissible evidence. There is no evidence on record to show that the applicant met with the co-accused persons and conspired because of which the commission of offences has taken place. Hence, under these circumstances, the applicant is entitled for grant of bail.

6. Shri Surfaraj Khan, learned counsel for the applicant in M.Cr.C. No.7233 of 2017 submits that there is no iota of evidence against the applicant. The only ground against him that some phone call was made by him to other co-accused persons which is not a ground to show that he had been a party to the commission of all the offences for which he is being prosecuted. Hence, it is prayed that the applicant be enlarged on bail.

7. On the other hand, learned counsel for the State opposes the bail

applications and the arguments submitted in this respect. It is submitted that heinous offence of dacoity with murder has been effected by these applicants after conspiring with each other. There is sufficient proof on record on the basis of the call details of the mobiles seized from the applicants that each of the applicant was connected with other on the date and time of incident. It is also submitted that for the offence of conspiracy usually no direct evidence is ever found, it has to be proved on the basis of the circumstances only. It has been further submitted that the applicants have been identified in Test Identification Parade showing the involvement of the applicants in the commission of offence. The articles recovered from Sanjay Kumar @ Sanju Agrawal (M.Cr.C. No. 6861 of 2017) also been identified by the complainant. It is submitted that there is sufficient evidence against the applicants for their prosecution and conviction in these cases. Hence, for these reasons, the applicants in all the cases are not entitled for grant of regular bail.

8. Shri Vivek Singhal, learned counsel for the Objector adopts the arguments submitted by the State counsel and submitted that none of the applicants are entitled for grant of bail, hence, their applications for grant of regular bail be rejected.

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

10. Complainant/ Objector – Deepak Kumar Agrawal has lodged FIR that in the intervening night of 15.4.2017 and 16.4.2017 some unknown persons forced their entry into the jewellery shop of his father – Vijay Kumar Agrawal

and then after committing murder of Vijay Kumar Agrawal various articles of gold and silver were looted by them. After lodging of FIR, the case has been investigated and the charge-sheet has been filed.

11. Considering the submissions and the contents of the case-diary, after considering all the aspects and the material of the prosecution case against the applicants, I am of the considered view that none of the applicants are deserves to be enlarged on bail. Hence, the bail applications of all the applicants are rejected.

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

Sd/-

(Rajendra Chandra Singh Samant)
Judge