

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2624 of 2018

- Premdas @ Raju Das S/o Sheelan Das Mahant Aged About 27 Years
R/o- Village Magamaar, Police Station- Dipka, District- Korba,
Chhattisgarh., District : Korba, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Dipka, District-
Korba, Chhattisgarh., District : Korba, Chhattisgarh

---- Respondent

MCRC No. 2846 of 2018

- Rajudas Mahant S/o Manghan Das Mahant Aged About 32 Years R/o-
Village- Devgaon, Police Station- Dipka, District- Korba, Chhattisgarh.,
District : Korba, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Dipka, District-
Korba, Chhattisgarh., District : Korba, Chhattisgarh

---- Respondent

&

MCRC No. 4333 of 2018

- Parmeshwar Kumar Jaltare S/o Mohanlal Jaltare Aged About 29 Years
R/o- Village- Karnoud, Police Station- Birra, District- Janjgir-Champa,
Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Dipka, District-
Korba, Chhattisgarh., District : Korba, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Surfaraj Khan, Advocate.
For Respondent	:	Mr. Ashok Swarnkar, Panel Lawyer.

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

27/06/2018

1. At the outset, counsel for the applicants Rajudas Mahant in MCRC No. 2846/2018 & Parmeshwar Kumar Jaltare in MCRC No.4333/2018 seeks permission of this Court to withdraw these applications filed under Section 439 of CrPC.
2. It is ordered as prayed for.
3. Accordingly, the bail applications filed by applicants Rajudas Mahant in MCRC No. 2846/2018 & Parmeshwar Kumar Jaltare in MCRC No.4333/2018 under Section 439 of Cr.P.C are dismissed as withdrawn.
4. This is the first bail application of applicant Premdas @ Raju Das in MCRC No.2624/2018 filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.98/2017, registered at Police Station– Dipka, District– Korba(C.G.) for the offence punishable under Sections 395, 394 & 398 of the Indian Penal Code.
5. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. No case is made out against this applicant. He was not a party to the offence committed. He is in jail since about one year. Some of the witnesses who have been examined, have not identified that this applicant is one of the person who has committed the offence, hence, it is prayed that applicant be enlarged on regular bail.
6. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that according to the memorandum statement given by this applicant, he has clearly

participated in the commission of offence, hence, the application be rejected.

7. Heard both the parties and perused the case diary.
8. According to the prosecution case, on the date of incident, the main accused Parmeshwar Kumar Jaltare and Rajudas Mahant along with this applicant and others raided the house of complainant Babulal for the purpose of looting swift car and a motorcycle. Keeping the complainant at gun point, one swift car and 3 mobile phones were looted from the complainant and his family members. Hence, this case.
9. Considered on the material present in the case diary, this applicant has also not been identified in the test identification parade and further, on perusal of certified copy of the deposition of the witnesses so far examined before the trial Court, it appears that it is a fit case where applicant should be released on regular bail.
10. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge