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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No.2591 of 2018**

1. Netram, S/o Shri Seduram, aged about 38 years, R/o Village Bichganwa, Police Station Laxmangarh, District Alwar (Rajasthan)
2. Hakam, S/o Usman, aged about 30 years, R/o Village Mehrana, Police Station Laxmangan (Laxmanganj), District Alwar (Rajasthan)
3. Jaikam, S/o Dinakhan, aged about 28 years, R/o Village Kherli Chandrawat, Police Station Laxmangan (Laxmanganj), District Alwar (Rajasthan)

---- Applicants

versus

State of Chhattisgarh through Station House Officer, Police Station Raghunathnagar, District Balrampur Ramanujganj, Chhattisgarh

---- Respondent

For Applicants	:	Shri Arun Kumar Shukla, Advocate
For Respondent	:	Smt. M. Asha, Panel Lawyer

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****9.5.2018**

1. This is the first bail application 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.93 of 2017 registered at Police Station Raghunathnagar, District Balrampur - Ramanujganj for offence punishable under Sections 379, 395 and 412 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that work of connection of line wire on tower in Village Pandari was being got done by Kalpataru Power Transmission Limited. One Shashikant was employed as Chowkidar on the said cite of Village Pandari. On 11.12.2017, at about 8:00 p.m., when Shashikant was sleeping in his tent, 6-7 persons, having covered their faces with clothes, came in his tent and tied up his hands behind his back, threatened him of his life

and thereafter looted 4 conductor drum wire, total 7,554 metres in length, worth Rs.20,44,980/- from hydra crane and loaded the same in a truck bearing registration No.RJ 02 GB 1129 and took the truck to Delhi. They sold the same to co-accused Rajesh Gupta for Rs.13,00,000/- and disbursed the said amount among them. It is alleged that the present three Applicants were involved in the loot. The truck, which was engaged for taking the looted material to Delhi, was of Applicant No.2, Hakam and driver of the said truck was Applicant No.3, Jaikam. On the basis of memorandum statements, Rs.1700/- from Applicant No.1, Rs.2000/- from Applicant No.2 and Rs.700/- from Applicant No.3 were seized.

3. Learned Counsel appearing for the Applicants submits that the Applicants are innocent. They have falsely been implicated in the case. No direct evidence is available to connect them with the offence in question. Charge-sheet has been filed. They are in custody since 8.1.2018. Therefore, they may be released on bail.
4. Learned Counsel appearing for the Respondent/State opposes the bail application and submits that sufficient evidence is available on record against the Applicants to connect them with the crime in question. They belong to other State. On their release on bail, there is likelihood of their absconding. Therefore, their bail application may be rejected.
5. I have heard Learned Counsel appearing for the parties and perused the entire material available with due care.
6. Considering the facts and circumstances of the case, the allegation levelled against the Applicants, further considering that

still some of the co-accused persons are absconded, the Applicants are residents of State of Rajasthan, at this stage, I am not inclined to release them on bail.

7. Accordingly, the bail application is rejected.

Sd/-
(Arvind Singh Chandel)
JUDGE