

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 3036 of 2018**

Madwari Ram Ekka, S/o. Somaru Ram, Aged About 31 Years, R/o. Village Silsila, P. S. And Tahsil Lundra, District- Surguja, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through : The Station House Officer, P. S. Ambikapur, District Surguja, Chhattisgarh.

---- Respondent

AND**M.CR.C. No. 3263 of 2018**

Ramkaran Ram Paikra, S/o. Ramadhar, Aged About 20 Years, R/o.- Village Silsila, P.S. And Tahsil- Lundra, District- Surguja, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through- Police Station -City Kotwali, Ambikapur, District- Surguja, Chhattisgarh.

---- Respondent

For Applicants : Mr. Jitendra Shrivastava, Advocate

For State/respondent : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**19/06/2018**

1. Both the bail applications are heard and decided together by this common order as they are arising out of the same crime number and the incident.
2. These are the first bail applications 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.713/2017, registered at Police Station – City Kotwali Ambikapur, District – Surguja (C.G.), for the offence punishable under Section 323, 307, 394, 397,

398, 120-B of the Indian Penal Code and Section 25 & 27 of the Arms Act.

3. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case. Applicants are in jail since 01.01.2018. Charge-sheet has been filed after completion of investigation. No case is made out against the applicants on the basis of the material present in the charge-sheet. It is further submitted that neither these applicants were present on the spot of loot nor they have been identified, apart from that no seizure has been made from these applicants. The applicants have been implicated only on the basis of the memorandum statement given by the co-accused persons. One of the co-accused namely Jitendra Paikra has been granted bail by the Coordinate Bench of this Court vide order dated 23.05.2018 in M.Cr.C. No.2771/2018, therefore, the counsel prays that the applicants may also be enlarged on regular bail.
4. On the other hand, learned counsel for the State opposes the bail applications and the submission made in this respect. It is submitted that both the applicants were giving information about whereabouts of the complainant and on that basis offence of loot was committed by the co-accused persons.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per the prosecution case, complainant Ankur Garg was looted by two unknown persons and cash of Rs.6.00 lakhs along with papers and accounts books were looted from his possession. After lodging of

FIR, the main accused persons were apprehended and in their interrogation, they have disclosed the name of these applicants. Hence, this case.

7. Considered on the submissions made and the contents of the case diary. Considering on the entire material present in the case diary and looking to the nature of the allegation proposed against both the applicants and taking into consideration all the facts and circumstances of the case, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
8. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed.
9. It is directed that applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge