

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 3648 of 2018**

1. Ajeet Kujur S/o Arnes Kujur, Aged About 25 Years, Caste- Uraon, R/o- Village- Kutmakachhar, Police Station- Kurdeg, District- Simdega (Jharkhand)
2. Shyam Sahu S/o Bhaktu Sahu, Aged About 28 Years, Caste- Teli, R/o- Village- Rigdi, Police Station- Simdega, District- Simdega (Jharkhand)

---- Applicants**Versus**

State Of Chhattisgarh Through- Station House Officer, Police Station- Tapkara, District- Jashpur, Chhattisgarh

---- Respondent

For Applicants	:	Shri J. K. Saxena, Advocate
For Respondent/State	:	Ms. Sunita Jain, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****31/08/2018**

This is the first bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicants who are in jail since 10.09.2017 in connection with Crime No. 39/2016 registered at Police Station- Tapkara, District Jashpur (CG) for the offence punishable under Sections 395, 397 of IPC and Sections 25 & 27 of Arms Act.

2. The allegation against the present applicants as per the prosecution is that they along with other accused persons are said to have entered the house of complainant Amrus Kujur on 24.05.2016 and looted the complainant of Rs.7,000/- and two mobile sets. The present applicants have been arrested on the memorandum statement of an

accused.

3. Counsel for the applicants submits that it is a case where the applicants have been falsely implicated in as much as the applicants have not been properly identified for the reason that the complainant from the very outset of his complaint has been stating that all the persons who had entered his house covered their face yet in the identification parade the complainant could identify the present applicants which is hard to believe. So far as the recovery is concerned, he submits that the alleged articles recovered from the applicants are not those articles which were looted from the house of the complainant. Thus, prayed for grant of bail.

4. Though State counsel opposes the bail application, she does not dispute the contention of the counsel for the applicants. State counsel however submits that from the possession of two accused persons namely Deepak and Durgesh @ Mangal one revolver and one country made pistol were recovered.

5. Given the aforesaid facts and circumstances of the case, particularly considering the fact that the applicants have been implicated on the basis of memorandum statement of other accused persons and the fact that the articles seized from the present applicants are not the same which were looted from the house of the complainant and the identification of the applicants also becomes doubtful as in the FIR, the complainant had stated that all of them had come with mask on their face, this Court is of the opinion that prima facie a strong case for grant of bail has been made out.

6. Accordingly, the application for grant of bail is allowed. It is directed that the present Applicants will 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 before the said Court as and when directed.

**Sd/-
(P. Sam Koshy)
JUDGE**