

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 4461 of 2018**

1. Chandrakant Sahu S/o Late Shri Rajesh Kumar Sahu Aged About 22 Years R/o. Budhadev Para Nagari, P.S. Nagari, District Dhamtari, Chhattisgarh At Present Resident Of Nayapara, Infront Of Satyanarayan Mandir, P.S. Gobra Nayapara, District- Raipur, Chhattisgarh.
2. Sachin Sahu S/o Jwala Prasad Sahu Aged About 21 Years R/o. Ward No. 08, Infront Of B.T.I. Depot Road Nagari, P.S. Nagari, District- Dhamtari, Chhattisgarh.

---- Applicants**Versus**

State Of Chhattisgarh, Through- Station House Officer, Police Chowki Kareli Badi, P.S. Magarlod, District- Dhamtari, Chhattisgarh.

----Non-applicant

For Applicants	:	Mr. R.S. Patel, Advocate
For State	:	Mr. Shashank Thakur, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****06/07/2018**

1. This is an application filed under Section 439 Cr.P.C. for grant of bail to the applicants, who have been arrested in connection with Crime No. 83/2018 registered at Police Station Magarlod, District Dhamtari, Chhattisgarh for the offence punishable under Sections 394, 120-B/34 of Indian Penal Code.
2. The present applicants are in jail since 18.04.2018 in connection with the aforesaid Crime number.
3. The case of the prosecution against the present applicants is that the present applicants in connivance with the other accused persons is said to have tried to siphon an amount of Rs.71,710/- which the applicant No.1 had collected as a collection agent of

Spandana Sphoorty Financial Limited, Nayapara, Magarlod, Raipur. As per the prosecution case, the applicant No.1 made a complaint at the Police Station Magarlod stating that when he was coming back home after making the collections of the day was intercepted by two persons and they had looted the applicant No.1 of the entire cash amount as also the keys of the motorcycle on which he was travelling. During the course of investigation, it was revealed that it was the applicant No.1 himself, who was the main accused person in as much as he had conspired with the other accused persons of creating a situation of being looted by them and thereafter a complaint was made. The police authorities in the course of investigation have collected the mobile conversations made between the three accused persons before and after the incident.

4. The counsel for the applicants submits that the present is a case where the applicant No.1 himself was the complainant and it is on his complaint, the investigation started and therefore he could not have been made an accused. He further submits that the amount of money siphoned is also Rs.71,710/- which is not a huge amount and the offence is triable by Magistrate, therefore the applicants may be released on bail.
5. The State counsel however opposing the bail application drew the attention of the nature of the offence and the manner in which the offence has been committed and prayed for rejection of the bail application.

6. Having heard the contentions put forth on either side and on perusal of record, particularly taking into consideration the entire factual scenario so far as the connection between the accused persons and the telephonic conversations between the two and also taking the report of the CCTV footage collected during the investigation, this Court is of the opinion that it is not a fit case for grant of bail to the present applicants.
7. Accordingly, the present application for grant of bail stands rejected.

Sd/-
(P. Sam Koshy)
Judge

Ved