

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 7536 of 2017

- Ramjan S/o Kunjram Tekam, Aged About 26 Years Caste Gond, R/o Baksahi Bhadarapara, Police Station And Tahsil Pali, Civil And Revenue District Korba, Chhattisgarh, Chhattisgarh.

---Applicant

Versus

- State Of Chhattisgarh Acting Through Officer In Charge, Police Station Pali, Civil And Revenue District Korba, Chhattisgarh, Chhattisgarh.

---- Respondent

For the Applicant : Shri Devesh G. Kela
Advocate.

For the Respondent/State : Shri Anil S. Pandey, GA.

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

24.01.2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant, who has been arrested in connection with Crime No. 136/2017, registered at Police Station – Pali, District – Korba (C.G), for the offences under Sections 395, 397, 398, 201 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case. The applicant is in jail since 10.08.2017. After completion of investigation the charge-sheet has been filed and according to material in the charge-sheet, no offence is made out against the applicant. The only evidence proposed against the applicant is the seizure of copper wire, which is not a distinctly identifiable article, therefore, it is prayed that the applicant may be released on bail.
3. Learned counsel for the State opposes the bail application and submissions made in this respect. It is submitted that all the co-accused persons have stated in their memorandum statements that the applicant was in their company when the offence was committed and the applicant himself has admitted in his own memorandum statement. Apart from that seizure from this applicant is also sufficient evidence against him, hence, he is not entitled for grant of bail.
4. Heard counsel for both the parties and perused the case diary.
5. FIR has been lodged that in the intervening night of 31.07.2017 and 01.08.2017, about 15- 20 persons carry rods, axes and other things committed dacoity in Maruti Power Limited Company, Bandhappar, by stealing copper wires approximately 60 meters worth Rs. 3,10,000/-. During investigation the applicant was apprehended and recovery of some copper wire has been made from him.
6. Considered on the submissions made and contents of the case diary, the name of the applicant does not find mentioned in FIR. In the memorandum statements given by co-accused

persons and the applicant himself cannot be regarded as legally admissible evidence. Recovery of the articles from the accused persons are not distinctly identifiable, hence, for these reasons this Court is of the opinion that it is a fit case, where the applicant deserves to be enlarged for grant of bail.

7. 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