

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 9689 of 2018**

Vasudev @ Jeetu S/o Harshit Dhali Aged About 22 Years R/o
Pahuvel P.V. 02, P. S. Kunderi District Navrangpur (Odisha)

---- Applicant**Versus**

State Of Chhattisgarh Through The Police Station Dhanora, District
Kondagaon Chhattisgarh

----Non-applicant

For Applicant	:	Mr. P.K. Tulsyan, Advocate
For State	:	Mr. R.N. Pusty, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****14/12/2018**

1. This is an application filed under Section 439 Cr.P.C. for grant of bail to the applicant, who has been arrested in connection with Crime No. 15/2017 registered at Police Station Dhanora, District Kondagaon, Chhattisgarh for the offence punishable under Sections 395, 412 & 323 of Indian Penal Code.
2. The present applicant is in jail since 02.08.2017 in connection with the aforesaid Crime number.
3. The allegation against the present applicant as per the case of the prosecution is that the present applicant along with the other accused persons is said to have committed dacoity in the Farm House of the complainant and is said to have looted an amount of Rs.9,50,000/-. During the course of the investigation, the present applicant was arrested on suspicion as he was the person, who was aware of the cash amount being kept in the Farm House of the complainant.

4. During the course of the trial, the material witnesses, like the memorandum witness and the seizure witness have been examined and they have not supported the case of the prosecution and have turned hostile.
5. Counsel for the applicant submits that the other accused persons against whom the charges being identical have already been released on bail by this Court and therefore the present applicant may also be released on bail.
6. The State counsel on the other hand opposes the bail applicant on the ground that it is the present applicant, who is the main accused and all other accused persons have been released on bail on the ground that they were arrested on the memorandum statement of the present applicant and therefore the present applicant does not deserve to be released on bail.
7. Having heard the contentions put forth on either side and on perusal of record, there does not seem to be any material available in the case diary, with which the present applicant could be said to have been present at the place of incident, neither is there any sort of identification of the present applicant in this regard. Moreover the other accused persons, against whom the charges are also similar, have already been released on bail. From the possession of the applicant also, only an amount of Rs.50,000/- in cash has been recovered with no identification of the cash money also.
8. Given the said facts and circumstances of the case, this Court is of the opinion that prima facie a strong case has been made out for grant of bail to the applicant. Accordingly, the present application for grant of bail is allowed.

9. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court for his appearance before the said Court as and when directed.

Sd/-
(P. Sam Koshy)
Judge

Ved