

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 285 of 2019

1. Sadhu Sharan Dansena S/o Narayan Dansena, Aged About 40 Years, Occupation- Agriculturist, R/o Village- Singhitarai, Police Station and Tahsil- Dabhra, District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh through the Station House Officer, Police Station- Dabhra, District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Non-applicant

MCRCA No. 735 of 2019

1. Amrit Lal S/o Shri Kanhaiya Lal Dansena, Aged About 40 Years, R/o Village Singhitarai, Tahsil and Thana Dabhra, District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh, through the Station House Officer, Police Station Dabhra, District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Non-applicant

MCRCA No. 774 of 2019

1. Govind Dansena S/o Shri Hetram Dansena, aged about 36 Years, R/o Village Nimohi, Tahsil & Thana Dabhra, District Janjgir-Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh
2. Sanjay Dansena S/o Shri Shobhit Ram Dansena, Aged About 40 Years, R/o Village Singhitarai, Tahsil & Thana Dabhra, District Janjgir-Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Applicants

Versus

- State of Chhattisgarh through the Station House Officer, Police Station Dabhra, District Janjgir-Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Non-applicant

For Applicants – Shri Surfaraj Khan and Shri Kamal Kishore Patel, Advocates.
For Non-applicant/State – Shri Adil Minhaj, Panel Lawyer.

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

17-05-2019

1. As these three applications arise out of the same crime number, i.e.

Crime No.46/2019, registered at Police Station Dabhra, District Janjgir-Champa, Chhattisgarh for the offence under Section 395, 34 of the IPC, they are being decided by this common order.

2. These applications have been filed by the applicants under Section 438 of the Cr.P.C. for grant of anticipatory bail as they are apprehending their arrest in connection with aforesaid crime number and offence.

3. It is submitted by learned counsel for the applicants that there is no evidence regarding commission of crime by these applicants as no seizure has been made from these applicants in this case. In fact, these applicants were agitating for getting employment against their displacement from the landed property in land acquisition proceedings. Therefore, they have been falsely implicated. These applicants did not have any criminal antecedent. Hence, it is prayed that they may be benefited with grant of anticipatory bail.

4. Learned counsel for the State/non-applicant opposes the applications submitting that named FIR has been lodged against these applicants clearly alleging that they were the persons who had committed the offence of dacoity of the property of Athena company therefore, no case is made out for grant of anticipatory bail.

5. In reply, it is submitted by learned counsel for the applicants that there is no evidence to make out offence under Section 395 of the IPC against these applicants, looking to the definition of robbery and dacoity in the IPC, therefore, the applications may be allowed.

6. Heard learned counsel for the parties and perused the case diary.

7. The allegation against these applicants and other co-accused persons is this, that, on the date of incident all the accused persons looted a truck with angles, power wires etc. from Athena Power Plant and were attempting to make their escape and when they were chased by the guards of the company one of them Ganesh Sahu was caught on the spot, who has named all these

applicants as his associates in his memorandum statement.

8. Considered on the material present in the case diary. Looking to the time of incident at about 12:00 p.m. in the night, it cannot be said that it was agitation because that is an event of day hours. Apart from that, there is named FIR and all the applicants have been identified as the persons who were present and actively engaged in the process of theft of articles from Athena plant. Therefore, looking to the evidence present against all these applicants, I do not feel inclined to allow these applications.

9. Consequently, all these applications filed by these applicants for grant of anticipatory bail are rejected.

Sd/-
(Rajendra Chandra Singh Samant)
Judge