

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 2379 of 2019**

1. Amit Kemro, S/o. Premsingh Kemro, Aged About 35 Years,
2. Somnath Netam, S/o. Late Sagram Netam, Aged About 40 Years,
3. Suraj Netam @ Surju, S/o. Late Buddhu Ram, Aged About 50 Years,
4. Manshram Netam, S/o. Dauram Netam, Aged About 50 Years,
5. Ganesh Ram Mandavi, S/o. Late Jaylal Mandavi, Aged About 37 Years,
6. Ramchand Baghel, S/o. Late Laganu Ram Baghel, Aged About 40 Years,

All are R/o. Village Arandi Mainpur Police Station Keshkal District Kondagaon Chhattisgarh.

---- Applicants**Versus**

State Of Chhattisgarh, Through : The Police Station Keshkal, District Kondagaon Chhattisgarh.

---- Respondent

For Applicants : Mr. P.K. Tulsyan, Advocate

For State/respondent : Mr. Samdarsh Nirankari, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**24/04/2019**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants, who have been arrested in connection with Crime No.28/2019, registered at Police Station – Keshkal, District – Kondagaon (C.G.), for the offence punishable under Section 147, 148, 149, 342, 440, 458, 120(B), 395 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case. Initially the offence under Section 395 was not registered against these applicants, which

has been later on added on the basis of development made by the witnesses in this case. The applicants are in jail since 08.03.2019 and nothing as such has recovered from them to speak of as looted material. Therefore, it is prayed that the applicants may be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that these applicants along with numerous other persons had demolished the houses of the complainant and others and looted the property, gold, silver, jewelry of worth Rs.20.00 lakhs from the complainant and others. Therefore, no case is made out for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, a meeting was held on 05.03.19 in the village by Budhsingh Netam, Ranjeet Gota and Prabhuram Markam to conspire and call of the members of Godwana Samaj to destroy the houses of the complainant and committed the offence of loot in consequence of which on 07.03.2019, the houses of the complainant Madhu Singh Thakur and others were demolished by using JCB machine and property belonging to the complainant and others worth Rs.20.00 lakhs were looted by the mob, in which the applicants were also a part.
6. Considered on the submissions made and the contents of the case diary. Considering on the entire material present in the case as there is no specific recovery of the looted articles from these applicants, hence

for this reason, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicants shall 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 as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram