

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No.4702 of 2019**

Ranjan Yadav @ Keshvar Yadav, S/o Gohil Yadav, aged about 48 years, R/o Police Station Panki, District Latehar (Jharkhand) at present Chai Bagan, P.S. Namkun, Ranchi (Jharkhand).

---- Applicant**Versus**

State of Chhattisgarh, through Police Station Samripat (wrongly mentioned as Samri in the impugned order), District Balrampur-Ramnujganj (CG).

---- Non-applicant**AND****MCRC No.4893 of 2019**

Chitaman @ Chetan Yadav, S/o Dashrath Yadav (wrongly mentioned as Sarat Yadav in the impugned order) aged about 38 years, R/o Village Gurgu, P.S. Latehar, District Latehar Jharkhand.

---- Applicant**Versus**

State of Chhattisgarh, through Police Station Samripat, District Balrampur Ramanujganj (CG).

---- Non-applicant

For Applicants : Mr. Manoj Paranjpe & Mr. Anshul Tiwari, Advocates
For Non-applicant : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

14.08.2019

1. Above mentioned two bail applications arise out of a common Crime No.2/2019 registered at Police Station Samripat (wrongly mentioned as Samri in the impugned order), District Balrampur-Ramanujganj (CG) for the offence punishable under Sections 323, 341, 427, 394, 435, 399, 120-B, 212, 299 of Indian Penal Code, Sections 3, 5 & 8 of Chhattisgarh Public Security Act, 2005 and Sections 25, 27 & 30 of Arms Act, 1878, therefore, they are being heard analogously and decided by this common order. All the two are first bail applications filed under Section 439 of the CrPC.

2. Prosecution story in brief is that the complainant Sonu Kumar

Verma works as poclain machine operator at Hidalgo Bauxite Mine at Rajendrapur. On 03.01.2019 at about 11:15 hrs, four unknown persons reached there by Bolero vehicle, they stopped him from continuing the work, looted his mobile, beat him and set two poclain machines in fire; and they also threatened to kill him. They caused damages of Rs.1,36,85,889/-. On the memorandum of applicant-Chitaman @ Chetan Yadav, one country made fire arm was seized from him. One 315 bore rifle, one another rifle, 82 numbers live cartridges in a box, two live cartridges of 315 bore rifle, 50 numbers of pamphlets of P.L.F.I., three mobiles and one Scorpio vehicle were seized from applicant-Ranjan Yadav @ Keshvar Yadav.

3. Counsel for the applicants submitted that the applicants are innocent and have been falsely implicated in the present case. He further submitted that the applicants' name are not in F.I.R. and no test identification parade was conducted against them. The arms, which were seized from applicant-Ranjan Yadav @ Keshvar Yadav are licensed arms and as such the applicants may be released on bail.

4. On the other hand, counsel for the State opposed the bail application. He further submitted that no criminal antecedent of the applicants is reported in police case diary.

5. Looking to the above mentioned facts and circumstances of the case, looking to the material available on record against the applicants, looking to the aforesaid memorandum and seizures, looking to the seriousness of the offence; and looking to the impact of granting bail to the applicants on society, this Court is not inclined to give benefit of Section 439 of CrPC to the applicants. Consequently, the bail applications (M.Cr.C. No.4702/2019 & M.Cr.C. No.4893/2019) are rejected.

6. Certified copy as per rules.

SD/-

(Sharad Kumar Gupta)
JUDGE