

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 78 of 2019

Ravi Sidar, S/o. Ganesh Ram Sidar, Aged About 40 Years, R/o. Village Nakna, Police Station -Dharamjaigarh, District- Raigarh Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : The Station House Officer, Police Station Shyang, District Korba Chhattisgarh.

---- Respondent

AND

M.CR.C.(A) No. 38 of 2019

Jagdish Sidar, S/o. Gulshan Sidar, Aged About 27 Years, R/o. Village - Katangkhar, Police Station and Tahsil- Kansabel, District- Jashpur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station - Shyang, District Korba Chhattisgarh.

---- Respondent

For Applicant : Mr. Dharmesh Shrivastava, Advocate
(in M.Cr.C. No.78/2019)

For Applicant : Mr. Kunal Das, Advocate
(in M.Cr.C.(A) No.38/2019)

For Respondent/State : Mr. Arun Kumar Shukla, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

21/02/2019

1. Since the above regular bail application and anticipatory bail application arise out of the same crime number, they are being heard and disposed of by this common order.
2. The bail application of applicant in M.Cr.C. No.78 of 2019 is the first bail application filed under Section 439 of the Code of Criminal

Procedure for grant of regular bail as he has been arrested in connection with Crime No.7/2018, registered at Police- Shyang, District– Korba (C.G.) for the offence punishable under Sections 302, 397, 398, 120-B, 109, 412, 420, 467, 468, 471 of the Indian Penal Code and Section 25 and 27 of the Arms Act.

3. The applicant – in M.Cr.C.(A) No.38 of 2019 has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.7/2018 registered at Police Station- Shyang, District – Korba (C.G.), for the offence punishable under Sections 302, 397, 398, 120-B, 109, 412, 420, 467, 468, 471 of the Indian Penal Code and Section 25 & 27 of the Arms Act.
4. Learned counsel for the applicants submits, that applicants are innocent and have been falsely implicated in the crime in question. No case is made out against them according to the material present on record. There is no evidence against the applicants and the whole prosecution story is fabricated. The sole eye-witness in this case has clearly identified only one accused person and thus the applicants are not the persons identified. Apart from the memorandum statement, there is nothing against these applicants. Hence, for these reasons, it is prayed that they may be released on regular as well as on anticipatory bail respectively.
5. Learned counsel for the respondent/State opposes the applications and submissions made in this respect. It is submitted that there is clear evidence of involvement of these applicants in commission of offence. It is also submitted that the applicant – Ravi Sidar (in M.Cr.C. No.78/2019) is history sheeter and numerous cases have been

registered against him. Hence they are not entitled for grant of bail either regular or anticipatory.

6. I have heard the learned counsel for both the parties and perused the case diary.
7. According to the prosecution story, the applicant – Ravi Sidar (in M.Cr.C. No.78/2019) along with two other co-accused persons, after hiring a vehicle murdered the driver and have looted the vehicle. The allegation against the applicant Jagdish Sidar (applicant in M.Cr.C.(A) No.38/2019) is this that subsequent to loot, the vehicle was sold to the applicant – Jagdish Sidar.
8. Considered the submissions made and the contents of the case diary. Considering the gravity of the offence committed, this Court is of the opinion that present is not a fit case, in which, the applicants should be enlarged either on regular bail or anticipatory bail respectively.
9. Accordingly, both the bail applications filed under Section 439 and 438 of Cr.P.C. are rejected.

Sd/-
(Rajendra Chandra Singh Samant)
Judge