

HIGH COURT OF CHHATTISGARH, BILASPUR

Order reserved on 03-11-2020

Order delivered on 09-11-2020

MCRC No. 5375 of 2020

1. Tikeshwar Sahu, S/o Kumar Sahu, aged about 24 years, r/o village Devsundra, PS Palari, Dist. Baloda Bazar- Bhatapara (CG).

---- Applicant

Versus

1. State Of Chhattisgarh Through the Police Station Palari, Dist. Baloda Bazar-Bhatapara, Chhattisgarh.

---- Respondent

And

MCRC No. 5729 of 2020

1. Parasmani Dhivar, S/o Jiverakhan Dhivar, aged about 23 years, R/o Gram Devsundra, PS Palari, Dist (Revenue & Civil) Baloda Bazar- Bhatapara (CG).

---- Applicant

Versus

1. State Of Chhattisgarh Through Police Station Palari, Dist (Revenue & Civil) Baloda Bazar- Bhatapara (CG)

---- Respondent

For respective
Applicants

Mr. Shaleen Singh Baghel & Mr. Sumit
Jhavar, Advocates

For Respondent /State

Mr. Alok Bakshi, Addl. Adv. General

(Proceedings through Video Conferencing)

Hon'ble Mr. Justice Prashant Kumar Mishra

CAV Order

1. Heard.
2. The applicants have preferred these bail applications for grant of bail as they have been arrested in connection with Crime No.259/2020, registered at Police Station – Palari, District Baloda Bazar-Bhatapara for the offence under Sections 395, 397 & 120-B of the Indian Penal Code and Sections 25 & 27 of the Arms Act.
3. Informant Savita Verma lodged the FIR informing the police that at about 9.00 pm on 6-7-2020 she and her husband were present in their Sangam Cloth Stores when five accused persons reached there on motorcycles and three of them entered the shop and caused injuries over the neck, left eye and left fingers of her husband Koushal Verma. When she intervened she too was assaulted by hand & fist at the point of knife over her neck. The accused persons took away Rs.60,000/- cash, gold & silver ornaments amounting to Rs.70,000/-; total value of the looted material is Rs.1,30,000/-.
4. It is argued that in her diary statement the looted cash has been stated to be Rs.25,000/- and similarly ornaments have been mentioned as bentex artificial jewelry, therefore, the applicants are entitled to be released on bail.
5. On the other hand, learned counsel for the State would oppose the bail applications.

6. Material available in the case diary would reveal that injured Koushal Verma has suffered incised wound over back side of neck amongst other injuries. Savita Verma has also received four injuries. Accused Onkar Verma was caught on the spot. On his information other accused persons were arrested later on. The accused persons have been identified during the Test Identification Parade (TIP) conducted at 4.30 pm on the next day i.e. 7-7-2020.
7. Considering the manner in which the crime has been committed and for the fact that one of the accused was caught by the members of the locality on the spot and later on all the accused persons have been identified, this Court is not inclined to grant bail to the applicants at this stage.
8. Accordingly, both the bail applications are rejected. However, liberty is reserved to the applicants to revive the prayer for grant of bail after examination of both the victims namely; Koushal Verma & Savita Verma.

Sd/-

(Prashant Kumar Mishra)
Judge

Gowri