

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1960 of 2021**

- Jagdish Chandra Sharma S/o. Madakchandra Sharma, aged about 45 years, R/o. Rajgarh, Thana- Parsoli, Tahsil- Begu, District- Chittordgarh (Rajasthan)

---- Applicant

Versus

- The State of Chhattisgarh, Through Police Station- Bemetara, District Bemetara (C.G.)

---- State/Non-Applicant

For Applicant : Shri Samir Singh, Advocate

For Non-Applicant/State : Dr.(Ms.) Veena Nair, Deputy Advocate General

M.Cr.C. No. 2085 of 2021

- Anurag Jain son of Shashank Jain, aged about 24 years, R/o. Punjabi Mohalla, Ward No. 17 Guna, Tahsil, Police Station Guna, District Guna (M.P.)

---- Applicant

Versus

- State of Chhattisgarh, Through : The Station House Officer, Police Station Bemetara, District Bemetara (C.G.)

---- State/Non-Applicant

For Applicant : Shri Vivek Singhal, Advocate

For Non-Applicant/State : Dr.(Ms.) Veena Nair, Deputy Advocate General

And**M.Cr.C. No. 2368 of 2021**

- Ashok Gupta Son of Shri Poonamchand Ji Gupta, aged about 32 years, R/o. Byavara, District Rajgarh (M.P.)

---- Applicant

Versus

- State of Chhattisgarh, Through : The Station House Officer, Police of Police Station Bemetara, District Bemetara (C.G.)

---- State/Non-Applicant

For Applicant : Ms. Sharmila Singhai, Advocate appears on behalf of Shri Harshwardhan Parganiha, Advocate

For Non-Applicant/State : Dr.(Ms.) Veena Nair, Deputy Advocate General

Hon'ble Shri Justice Gautam Chourdiya, J**Order on Board****08.06.2021**

1. The applications are heard through Video Conferencing.
2. As all the above first bail applications under Section 439 of Cr.P.C. preferred by the applicants arise out of the same crime number i.e. 102/2021 registered in Police Station- Bemetara, District Bemetara (CG) for the offence punishable under Sections 341, 392, 395, 399, 412 read with Section 34 of IPC, they are being disposed of by this common order.
3. Case of the prosecution is that on 06.02.2021 complainant namely Pramod Kumar lodged a report alleging that in his truck bearing registration No. CG-10 C-4553 and another truck bearing registration No. CG-07 C-9763 of his companion namely Rajendra Prasad Yadav, 264 sacks of Rajshree Gutka which belongs to Rajshree Company and 220 sacks of K.P. Tobacco amounting to Rs.10,00,000/- were loaded at Bilaspur for delivery at Rajnandgaon. When they reached Village Devarbeeja, one Tata Innova Car and Haxa Car overtook their trucks and stopped. Thereafter, some unknown persons forcibly took the complainant and his companion into their Car, blindfolded them and drove here and there. Subsequently, they left the complainant and his companion near Mohbhatta Village and looted the goods loaded in the above trucks. Report was lodged by the complainant in Police Station Bemetara against unknown persons.
4. During investigation, co-accused namely Deepak @ Sonu Agrawal and Mitesh @ Tinku Agrawal were arrested. As per memorandum statement of Deepak Agrawal, he sold 105 sacks of Rajshree Gutkha and 26 sacks of Tobacco to applicant Ashok Gupta. On inquiry being made from applicant Ashok Gupta by the police, he stated that he had given Rajshree Gutka and Tobacco to applicant Anurag Jain for selling. As per memorandum statement of Mitesh @ Tinku Agrawal, he stated that applicant Jagdish Chandra

Sharma and his truck bearing registration No. RJ 09 – GC-5962 were involved in the crime in question.

5. Learned counsel for the applicants submit that the applicants have been falsely implicated in this case and there is no role attributed to the present applicants in the crime in question. They also submit that the applicants are in jail since 19.02.2021, 26.02.2021 & 27.02.2021, charge-sheet has already been filed and conclusion of the trial is likely to take some time, therefore, the applicants may be released on bail.
6. On the other hand, counsel for the State opposes the bail applications.
7. I have heard learned counsel for the parties.
8. Having regard to the facts and circumstances of the case, the fact that as per memorandum statements of accused Deepak @ Sonu Agrawal, Mitesh @ Tinku Agrawal and other accused persons, they looted sacks of Rajshree Gutkha and Tobacco, as per photo identification panchnama, accused Amardeep Kanjar, Ishwar Kanjar, Devkaran Kanjar and Ranjeet Kanjar were identified and they were involved in loot and robbery, however, the present applicants were not present at the time of incident and they received looted property from accused Deepak Agrawal, further considering the detention period of the applicants who are 24, 32 & 45 years old, charge-sheet has already been filed and conclusion of the trial is likely to take some time, there is no apprehension of the applicants tampering with the evidence or absconding, without expressing any opinion on merits of the case, the bail applications are allowed.
9. It is directed that in the event of each of the applicants executing a personal bond for a sum of Rs.1,00,000/- with two sureties of Rs.50,000/- each to the satisfaction of the concerned trial Court, they shall be released on bail on the following conditions:-
 - i. they shall not directly or indirectly make any inducement, threat

or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court.

- ii. they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- iii. they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.
- iv. they shall not involve themselves in any offence of similar nature in future or else this order granting bail to the applicants shall automatically stand cancelled without further reference to the Bench.

10. Let a copy of this order be forwarded to the concerned Police Station forthwith who shall inform the trial Court in the event of applicants involving themselves in similar nature of offence.

11. In the result, M.Cr.C. No. 1960 of 2021, M.Cr.C. No. 2085 of 2021 and M.Cr.C. No. 2368 of 2021 are allowed on the above terms and conditions.

Sd/-

(Gautam Chourdiya)
Judge