

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3011 of 2021

1. Lalit Mahanand S/o Shyam Lal Mahanand, Aged About 19 Years,
 2. Karan Verma S/o Purru Ram Verma, Aged About 25 Years
 3. Gajanand Verma S/o Purru Ram Verma, Aged About 22 Years,
- All R/o Village Charbhatha, Police Station Magarlod District Dhamtari (C.G.).

---- Applicants

Versus

1. State Of Chhattisgarh, Through Station House Officer, Police Of Police Station Magarlod, District Dhamtari (C.G.).

---- Non-Applicant

For Applicant	:	Mr. Anil Gulati, Advocate.
For Non-Applicant	:	Dr. (Ms.) Veena Nair, Dy. Advocate General.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

15/07/2021

- 1) The matter is heard through video conferencing.
- 2) The applicants have preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as they are in jail since 02/02/2021 in connection with Crime No. 43/2021 registered at Police Station Magarlod, District Dhamtari (C.G.) for the offence punishable under Section 458, 392, 427, 201, 347, 395, 120(B) of Indian Penal Code and under Section 25 of the Arms Act.
- 3) Case of the prosecution, in brief, is that on 02/02/2021 at around 1 in the night, Security Guards Narendra Kosle and Leelaram Kosle were on duty in country Liquor Shop Magarlod, at that time two persons came there, locked them in the Shop by pulling down the shutter and after breaking open the lock of the liquor

shop, took away the Chest containing Rs. 5,81,460/-. On report being lodged to the above effect by the complainant Omprakash Sinha, on the same day, the aforesaid offence was registered. During investigation the accused applicants were arrested and on their memorandum statements the said chest and the money were seized at the instance. After completion of the investigation charge sheet has been filed against the accused persons.

- 4) Learned counsel for the applicants submit that the applicants are innocent persons and have been falsely implicated in this case. He submits that the applicants are in jail since 02/02/2021, charge sheet has been filed and conclusion of the trial is likely to take some time due to COVID-19 Pandemic. Therefore, the present applicants be released on bail.
- 5) On the other hand, learned counsel for the respondent/State opposes the bail application.
- 6) I have heard the learned counsel appearing for the parties.
- 7) Considering the facts and circumstances of the case, the nature of allegation against the applicants, in particular the fact that on the memorandum of the applicants the chest and the money carried away by the applicants during commission of dacoity were seized, gravity of offence and other material available on record, without commenting anything on merits of the case, this Court is not inclined to release the applicant on bail. Accordingly, the application is **rejected**.

-Sd/-
(Gautam Chourdiya)
Judge