

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4540 of 2021**

1. Sankalp Sharma S/o Anupam Sharma, aged about 28 years, R/o Ward No.11, Baba Ram Dev Ward, Bemetara, District Bemetara (C.G.)
2. Puna Ram Lahre S/o Gend Ram Lahare, aged about 33 years, R/o Karchuva, Chowki Khandsara, Police Station and District Bemetara (C.G.)

---- Applicants**Versus**

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

---- Respondent

For Applicants	:	Ms. Sareena Khan, Advocate
For Respondent	:	Mr. Sameer Sharma, Dy. G.A.

Hon'ble Smt Justice Rajani Dubey**Order on Board****12/07/2021**

Proceeding through video conferencing.

1. The applicants have preferred this **Second** bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as they are arrested in connection with Crime No.539/2019, registered at Police Station – Bemetara, District Bemetara (C.G.) for the offence punishable under Sections 394, 461, 120-B, 397, 409 IPC and 25 & 27 of Arms Act.
2. First bail application of applicant No.1-Sankalp Sharma was dismissed as withdrawn, whereas bail application of applicant No.2-Puna Ram Lahre was dismissed on merit.
3. The prosecution story, in brief, is that on 05.10.2019, when the applicant No.1, who is Cash Manager, Service Location Incharge, Bemetara, along with his assistant applicant No.2 and gunman Anil Mishra were going in Cash Vehicle No. C.G.04-ZD-4794 to deposit cash of Rs.1,64,00,000/- in different ATMs after collecting the same from State Bank of India, Bemetara Branch, near Nawagarh ATM the same was looted by two other co-accused persons. After intense search, the accused/appellants were arrested on the same

day. During investigation, the cash was found to be less and Rs.80,00,000/- recovered from the possession of the applicant No.1. Based on this, offence has been registered. The present applicants have been taken into custody on 10.10.2019.

4. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the crime in question. She further submits that though the FIR has been registered under Sections 394, 461, 120-B, 397, 409 IPC & 25 and 27 of the Arms Act, but in the charge sheet only offence under Section 409 has been registered against the applicants. She also submits that the applicants are in jail since 10.10.2019, charge sheet has been filed and there is no likelihood of their case being in near future, therefor, they may be released on bail.
5. On the other hand, learned counsel for the State opposed the bail application. Learned State counsel submits that the applicants are employee of the Cash Manager Service Location and they hatched the conspiracy of committing loot of cash in their own department. There is incriminating evidence against the applicants to show their active involvement in the crime in question, therefore, bail may not be granted to them.
6. I have heard learned counsel for the parties and perused the record.
7. Considering the totality of the facts and circumstances of the case, in particular the fact that the applicants committed the offence where they were working, at this stage, I am not inclined to release him on bail.
8. Accordingly, bail application filed under Section 439 of the Code of Criminal Procedure is rejected.

Sd/-
(Rajani Dubey)
Judge