

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 4952 of 2021

1. Ashok Jakhad, S/o Birbal Jakhad, Aged About 29 Years, R/o Bikaner, P.S. Nawasar, District Bikaner (Rajasthan).
 2. Prem Jatt, S/o Hadmana Jatt, Aged About 29 Years, R/o Bikaner, Shiva Basti, Ganga Nagar, District Bikaner (Rajasthan).
 3. Ganesh Jatt, S/o Lakshman Jatt, Aged About 21 Years, R/o Bikaner, Choudhary Colony, Ganga Nagar District Bikaner (Rajasthan).
 4. Bhawar Lal Choudhary, S/o Hariram Choudhary, Aged About 19 Years, R/o Rani Bazar, Sharma Colony, Police Station Ganga City, District Bikaner (Rajasthan).
- Applicants**

Versus

- State of Chhattisgarh, Through- Station House Officer Police Station Devendra Nagar Raipur, District Raipur, Chhattisgarh.

---- Non-Applicant

For Applicants	: Shri Rahim Ubavani, Advocate
For Non-Applicant/State	: Shri Chitendra Singh, P.L.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

30.07.2021

Heard.

- 1) The applicants have preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as they are in jail since 16.02.2020 in connection with Crime No. 18/2020 registered at Police Station- Devendra Nagar Raipur, District- Raipur (C.G.) for the offence punishable under Section 394, 395, 120-B of IPC and Section 25, 27 of Arms Act.
- 2) Case of the prosecution, in brief, is that upon information being given by the co-accused Malchand Sharma and Jai Kishan

Godara, regarding possession of huge amount at the home of the complainant, the present applicants on 13.02.2020 at about 9.30 p.m. illegally entered the house of the complainant and showed him countrymade pistol (Katta), assaulted the complainant with its butt after tying him with cello tap looted cash of Rs. 50,00,000/- from locker and cash of Rs. 14,000/- from the wallet of the complainant and fled away. On report being lodged to the above effect, the aforesaid offence has been registered against the accused persons.

- 3) Learned counsel for the applicants submit that the applicants have been falsely implicated in the crime in question. Learned counsel for the applicants further submits that co-accused persons namely Malchand Sahrma and Jai Kishan have already been released on bail vide orders dated 01.04.2021 & 28.06.2021 in MCRC No. 8712/2020 & MCRC No. 4220/2021, charge-sheet has already been filed, there is no likelihood of the applicants tampering with the prosecution evidence or absconding and the applicants are in jail since 16.02.2020 and trial is likely to take some time for its final disposal. Therefore, the applicants be released on bail by this Court.
- 4) On the other hand, learned counsel for the Non-applicant/State opposes the bail application, however, he submits that the applicants have committed dacoity of Rs. 50 lacs & 14 thousands on point of countrymade pistol and also assaulted with the butt of the countrymade pistol to the complainant.
- 5) Having heard learned counsel for the parties, the nature of allegation made against the present applicants, the fact that out of the looted amount Rs. 49 lacs have already been seized from the possession of the applicants, charge-sheet has already been filed, co-accused persons namely Malchand Sharma & Jai Kishan Godara have already been released by the co-ordinate Bench of this Court, the detention period of the applicants, who are 19, 21 & 29 years old and there is no likelihood of the applicant tampering with the prosecution evidence or absconding

as admitted by both the counsels and conclusion of trial may take some time, the application is allowed.

6) 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:-

- (a) 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,
- (b) they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (c) they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial,
- (d) they shall not involve themselves in any offence of similar nature in future,
- (e) they shall strictly follow the COVID-19 protocol issued by the Central Government/State Government/Local Authority.

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 offence in future.

Sd/-
(Gautam Chourdiya)
Judge

Nadim