

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**(Proceedings through Video Conferencing)**

**MCRC No. 5126 of 2021**

- Anish Banerjee, S/o Shri Biplav Banarjee, Aged About 20 Years, R/o Staff Colony Pakhanjur, Thana and Tahsil- Pakhanjur, District- North Bastar Kanker, Chhattisgarh. ---- **Applicant**

**Versus**

- The State of Chhattisgarh, Through- The Station House Officer, Police Station Pakhanjur, District- North Baster Kanker, Chhattisgarh. ---- **Non-applicant**

**MCRC No. 5537 of 2021**

1. Shishir Bairagi, S/o Shri Kanhai Bairagi, Aged About 26 Years, By Caste- Namo Shudra, R/o- P.V.- 92, Chhote Bethiya, Thana- Chhote Bethiya, Tahsil- Pakhanjur, District- North Baster Kanker, Chhattisgarh.
2. Anant Goldar, S/o Shri Anadi, Aged About 25 Years, By Caste- Namodshudra, R/o Bechaghat, Thana- Chhote Bethiya, Tahsil- Pakhanjur, District- North Baster Kanker, Chhattisgarh.

**---- Applicants**

**Versus**

- The State of Chhattisgarh, Through- The Station House Officer, Police Station- Pakhanjur, District- North Baster Kanker, Chhattisgarh.

**---- Non-Applicant**

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For Applicants : Shri Sunil Sahu, Advocate

For Non-Applicant/State : Shri Shreshtha Gupta, Panel Lawyer

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**Hon'ble Justice Shri Gautam Chourdiya**

**Order on Board**

**11.08.2021**

- 1) Since both these cases arise out of same crime number, they are being disposed of by this common order.
- 2) The applicants have preferred these First Bail Applications under Section 439 of Code of Criminal Procedure, 1973 as they are in jail in connection with Crime No.146/2020 registered at Police Station- Pakhanjur, District- North Baster Kanker (C.G.) for the offence punishable under Sections 392, 458, 34, 395, 120 (B), 394, 399, 402, 397, 506, 384 of IPC and Sections 25 & 27 of Arms Act.
- 3) Case of the prosecution, in brief, is that on 18.10.2020 at about 9 pm when the complainant was in his home, someone called him by his name, he opened his channel gate and seen the applicants wearing police like uniform, having wireless walky-talky, pistol, faces of the applicants were covered. The applicants claimed themselves to be Naxalite assaulted the complainant and his brother, threatened them of life and committed loot of Rs. 5,00,000/- & gold articles worth Rs. 2,00,000/- and fled away .
- 4) 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 applicants have no criminal antecedents, there is no likelihood of the applicants tampering with the prosecution evidence or absconding and charge-sheet has already been filed, the applicants are in jail since 30.11.2020 and 14.12.2020 and due to Covid-19 pandemic, trial is likely to take some time for its final disposal. Therefore, the applicants be released on bail by this Court.
- 5) On the other hand, learned counsel for the Non-applicant/State opposes the bail applications.
- 6) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the allegation made against the applicants, the applicants hatched criminal conspiracy and in furtherance thereof, assault was made on the

complainant and committed loot of cash & gold articles, memorandum statement of the applicants admissible under the law, looking to the gravity of offense, without commenting anything on merits of the case, the bail applications are rejected.

Sd/-  
**(Gautam Chourdiya)**  
**Judge**

Nadim