

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR

MCRC No. 5929 of 2021

Amit Kumar Nirala S/o Shri Dhruv Kumar Nirala Aged About 25 Years
R/o Boriyakhurd, P.S.- Tikrapara, Distt. Raipur (Chhattisgarh), District :
Raipur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, P.S.-
Khamardih, Distt. Raipur (Chhattisgarh), District : Raipur, Chhattisgarh

---- Respondent

MCRC No. 5935 of 2021

Amit Yadav S/o Late Shri Amarbali Yadav Aged About 30 Years R/o
Patel Chowk Tikrapara Raipur, Civil And Revenue Distt. Raipur
Chhattisgarh., District : Raipur, Chhattisgarh

---- Appicant

Versus

State Of Chhattisgarh Through P/s Khamardih, Distt. Raipur
Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondent

MCRC No. 6448 of 2021

Holika Prasad Chelak S/o Shri Mohitram Chelak Aged About 32 Years
R/o Village- R.D.A. Colony, Boriyakhurd, District- Raipur, Chhattisgarh,
District : Raipur, Chhattisgarh

---- Petitioner

Versus

State Of Chhattisgarh Through- Police Station Khamhardih, District-
Raipur, Chhattisgarh, District : Raipur, Chhattisgarh

---- Respondent

For Respective Applicants : Shri Devershi Thakur, Shri Ashutosh
Shukla and Shri Ajay Mishra, Advocates.

For Non-applicant/Sate : Shri Hariom Rai and Shri Aditya Tiwari,
Panel Lawyer

S.B.: Hon'ble Shri Parth Prateem Sahu, Judge

ORDER

29/10/2021

1. Applicants have filed this application under Section 439 of Cr.P.C. for grant of bail as they have been arrested in connection with Crime No. 127/2021 registered at Police Station -Khamardih, District- Raipur (C.G.) for the offence punishable under Sections 399, 402, 455 of IPC and Sections 25, 27 of Arms Act.
2. Case of the prosecution is that on 21.7.2021, two of the co-accused persons, went to Kashi Apartment with an intent to commit dacoity in the house of complainant. When they reached to house of complainant, they found door of the flat open, complainant was sitting in drawing room and surfing on her mobile phone. The two accused persons entered the house, to which she obstructed. She pushed one of the persons who entered the house, upon which, he dashed with second person. Upon shout and scream, accused persons tried to flee away. Hearing the scream of the complainant, neighbour Vikas also came there and they have informed Raju Kosle, (guard of the apartment) about the incident. Thereafter, Dinesh and Vishal were caught while they were trying to flee away jumping boundary wall. They were arrested and their memorandum statement was recorded. Based on their memorandum statement, other co-accused persons were also implicated and arrested.
3. Shri Devershi Thakur, learned counsel appearing for applicant-

Amit Kumar Nirala would submit that the applicant has not committed any offence as alleged against him. His name appeared only in the memorandum statement of Dinesh giving information of the amount kept in the house of the complainant. There is no seizure of any incriminating article from his possession. There is no criminal antecedents against him. The applicant was not present at the spot and he is working as Accountant in the firm of husband of complainant.

4. Shri Ashutosh Shukla, learned counsel appearing for applicant-Holika Chelak would submit that the applicant is working in the hospital as Manager continuously for last 10 years. There is no criminal antecedents against him and he was continuously present in the hospital as would be evident from attendance register maintained by the hospital. The applicant was not present on the spot. There was no seizure of any incriminating article from his possession. Hence, the applicant may be enlarged on bail.
5. Shri Ajay Mishra, learned counsel appearing for applicant Amit Yadav would submit that there is no involvement of the applicant in commission of instant crime. The applicant was not found present in the place of incident as alleged. There is no recovery or seizure of any incriminating articles from his possession. The applicant is working in private hospital. His name has come in memorandum statement of Vishal Verma, but has not participated in any manner in the instant crime.
6. I have heard learned counsel for the parties.
7. Taking into consideration nature of allegation, the fact that Dinesh

and Vishal were arrested on spot and in their memorandum statements, name of present applicants are appearing to have conspired in commission of offence, I do not find present to be a fit case for grant of bail to the applicants.

8. All the applications are accordingly rejected.

Sd/-
(Parth Prateem Sahu)
Judge