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HIGH COURT of CHHATTISGARH, BILASPUR**MCRCA No. 999 of 2021**

- Manoj Yadav S/o Shri Madhav Yadav aged about 20 years, by caste Mahakul occupation Student, R/o Village Dongadarha, Police outpost Kotba, P.S. Bagbahar Distt. Jashpur Chhattisgarh

-----Applicant**VERSUS**

- State of Chhattisgarh through: the SHO police outpost Kotba-Bagbahar, District Jashpur, Chhattisgarh

-----Non-applicant

For Applicant	: Mr. Sunil Sahu, Advocate.
For Non-applicant- State	: Ms. Anjali Singh Chouhan, PL.

*(proceedings through video conferencing)***Hon'ble Shri Parth Prateem Sahu, Judge****ORDER****01/09/2021**

1. Applicant has preferred this application under Section 438 of CrPC for grant of anticipatory bail as he apprehends his arrest in connection with Crime No. 75/2020 registered at Police Station Police Outpost Kotba, Police Station Bagbahar, District- Jashpur (C.G.) for the offence punishable under Sections 294, 323, 342, 506-B, 395, 397, 398, 102B and 216(A) of IPC.
2. Case of prosecution is that, applicant along with co-accused persons have conspired to commit dacoity in the government liquor shop at Kotba and thereafter they have committed dacoity on 02.08.2020. Amongst the co-accused persons, 4-5 persons are resident of Jharkhand who prior to date of incident have stayed in the house of co-accused Devsingh Yadav. Incident was reported to concerned police station based upon which crime was registered.
3. Mr. Sunil Sahu, learned counsel for the applicant would submit that applicant is not involved in the instant crime in any manner. He further submits that the co-accused persons are resident of Jharkhand except Dev Singh who is resident of Chhattisgarh. As per

allegations, co-accused persons prior to date of incident have taken shelter in the house of Devsingh and not in the house of present applicant, offence under Section 216-A would not be made out against the present applicant. He further submits that name of present applicant has come for the first time in the memorandum statement recorded on 04.01.2021 of co-accused Banarsi and Suresh Kerketta and except this there is no material against him. He submits that Devsingh in whose house co-accused persons have taken shelter has been enlarged on regular bail, hence, he may also be granted benefit under Section 438 of CrPC.

4. On the other hand, Ms. Anjali Singh Chouhan, learned State counsel opposes the submissions made by learned counsel for the applicant and submits that there are evidence against the present applicant and further that co-accused persons have stayed in the house of Devsingh. When the villagers, upon looking unknown persons in their village, have made query to which present applicant came and stated them that those persons are known to him. She read-over the statement of Tarkeshwar Chouhan, Patel Yadav and Raju Sahu, residents of same village, in support of her contention.
5. I have heard learned counsel for the respective parties.
6. Taking into consideration, the nature of allegations levelled against the present applicant and the statement recorded under Section 161 of CrPC of Tarkeshwar Chouhan, Patel Yadav and Raju Sahu who are the resident of village where allegedly co-accused persons have stayed in the house of Devsingh, I do not find it a fit case to enlarge the applicant on anticipatory bail.
7. Accordingly, anticipatory bail application is dismissed.

Sd/-
(Parth Prateem Sahu)
Judge