

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6565 of 2021**

1. Rajnish Kumar Singh @ Laxman Kumar Singh S/o Bachachu Prasad Singh Aged About 28 Years

2. Vigan Saw S/o Late Tapeswar Saw Aged About 45 Years

Both R/o Dadha, P.S.- Balumath, District - Latehar Jharkhand.

3. Deepak Kumar Sinha @ Deepu S/o Banwarilal Aged About 25 Years R/o Village - Bachra, P.S.- Balumath, District - Latehar, Jharkhand.

---- Applicants

Versus

State Of Chhattisgarh Through, Police Station - Pasta, District - Balrampur Ramanujanj, Chhattisgarh

---- Non-applicant

MCRC No. 7097 of 2021

Ashok Kumar Singh S/o Late Uday Singh, Aged About 39 Years R/o Dada, Thana Balumath, District Latehar (Jharkhand)

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Pasta, District Balrampur Ramanujanj Chhattisgarh

---- Non-applicant

For applicant	Mr. Vikas Pandey, Adv.
For non-applicant/State	Mr. B.L. Sahu, PL.

Hon'ble Shri Justice N.K. Chandravanshi**Order on Board****22-10-2021**

1. As both the above bail applications arise from the same crime no. of same police station, they are being heard and disposed of by this common order.
2. As per applicants, these are first bail applicationd under Section 439 of the Cr.P.C. preferred by the applicantd before this Court and no bail application is pending before any other court.
3. The applicants have been arrested in connection with Crime No. 56/2017 registered in police station Pasta, District Balrampur-Ramanujanj, (CG) for offence punishable under Sections 395, 365, 397 of the IPC.
4. Brief facts of the case are that on 13-9-2017 when complainant who is

driver of Hyva vehicle bearing registration No. CG 15 AC 4001 was going with helper Ramdhani to Gariyon Baghima, on the way, at about 8.15 pm, when they reached Amjhar Jungle, Semarson Sanctuary, PS Pasta, 5-6 persons sitting in a vehicle like Scorpio Bolero came from behind and by overtaking his Hyva, stopped their vehicle in front of the Hyva, they came down and forcibly came on the Hyva truck, they took complainant and his helper Ramdhani forcibly ahead to Bhakura, committed marpeet with them, and looted Rs. 31,000/-, one Samsung mobile from them. On 14-9-2017, complainant Naseem Ansari lodged report under Sections 395, 365, 397 of the IPC in PS Pasta, Distt. Balrampur against 5 unknown persons. The applicants were arrested in Crime No. 167/2017 of Police Out Post, Bariyon, PS Rajpur, Distt. Balrampur under Sections 342, 323, 365, 395, 34 of IPC and Section 25 and 27 of the Arms Act. In that case, their memorandum was recorded in which they had stated that they had committed offence of present case also and on the basis of memorandum statement of the applicants, they were arrested in the present case also and after investigation, charge sheet under Sections 395, 365 and 397 of the IPC was filed against the applicants, which is pending before the Second Additional Sessions Judge, Ramanujanj, District Balrampur as Sessions case No. 65/2018.

5. Counsel for the applicants argued that the applicants are innocent. They have not committed alleged crime, they have been falsely implicated in this case. Applicant Rajnish Kumar Singh alias Laxman Kumar Singh, Deepak Kumar Sinha @ Deepu and Ashok Kumar Singh are in jail since 19-12-2017 and applicant Vigan Saw is in jail since 25-1-2018. Five witnesses including complainant and Ramdhani have been examined by the trial Court but none of them has deposed anything against the applicants, which would prove their involvement in the alleged crime. He further submits that applicants have already remained in jail for about more than 3 ½ years, conclusion of trial will take some more time, therefore, he prays that applicants may be granted bail.
6. On the other hand, the State Counsel opposes the bail application and submits that the applicants had made gang of many criminals and they have committed many cases of loot and dacoity, which shows that they are habitual offenders and many cases have been registered against them. He next submits that examination of some witnesses

does not entitle them to be released on bail. Therefore, looking to the accusations against the applicants, they should not be enlarged on bail.

7. I have heard counsel for both the parties and perused the material available.
8. Considering the accusations of alleged crime against the applicants, which is of very serious nature and also taking into consideration that other heinous crimes of similar nature have been registered against them, also taking into consideration the manner and style of commission of crime, I do not feel inclined to enlarge the applicants on bail.
9. Therefore, both the above applications are rejected.

Sd/-
(N.K. Chandravanshi)
Judge