

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6747 of 2020

Santosh Kumar Sharma, S/o Shri Jairam Sharma Aged About 44
Years R/o - Village - Ganiyari, Post - Pariyari, Police Station - Kinjar,
District - Arwal, Bihar.,
--- **Applicant**

Versus

State of Chhattisgarh through - S.H.O Police Station - Simga, District
– Baloda Bazar Bhatapara, C.G.
--- **Respondent**

For the applicant	: Mr. Pushkar Sinha, Advocate
For the State	: Mr. Gagan Tiwari, Dy.Govt. Adv.

MCRC No. 6726 of 2020

Sujeet Sharma S/o Bachchulal Sharma Aged About 42 Years
Resident of Ruabandha, S.E.C.L. Colony, Bhilai, District Durg
Chhattisgarh.
--- **Petitioner**

Versus

State of Chhattisgarh through the Station House Officer, Police
Station Simga, District Balodabazar-Bhatapara Chhattisgarh.
--- **Respondent**

For the applicant	: Mr. Gautam Khetrapal, Advocate
For the State	: Mr. Gagan Tiwari, Dy.Govt. Adv.

MCRC No. 8466 of 2020

Ranjay Kumar S/o Ramvriksha Singh Aged About 30 Years R/o
Village Nagvan, Post Bishnuganj, P.S. Ghoshi, Distt. Jahanabaad,
Bihar
--- **Applicant**

Versus

State of Chhattisgarh through P.S. Simga, Distt. Balodabazaar-
Bhatapara, Chhattisgarh
--- **Respondent**

For the applicant	: Mr. Mayank Chandrakar, Advocate
For the State	: Mr. Gagan Tiwari, Dy.Govt. Adv.

MCRC No. 8475 of 2020

Raushan Kumar S/o Ravindra Sharma Aged About 22 Years R/o
Village Nagvan, Post Bishnuganj, P.S. Ghoshi, District Jahanabaad,
Bihar.,
--- **Applicant**

Versus

State of Chhattisgarh through P.S. Simga, Distt. Baloda Bazar-
Bhatapara, Chhattisgarh
--- **Respondent**

For the applicant	: Mr. Mayank Chandrakar Advocate
For the State	: Mr. Gagan Tiwari, Dy.Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

05.01.2021

1. These are the first bail applications filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicants in connection with Crime No.192/2020 registered at Police Station Simga, Distt. Baloda Bazar Bhatapara (C.G) for the offences punishable u/ss 341, 394, 506, 395, 397, 398, 412, 120-B of IPC and Sections 25 & 27 of the Arms Act. As all these bail applications are relating to the same crime number, they are disposed of by this common order.
2. As per the prosecution case, on 22.06.2020, a report was made by complainant Jaylal that on 21.06.2020 the Truck bearing No.C.G.08-B/ 2363 was loaded with iron rods of 16 tons & 310 Kgs., worth Rs.10,70,057/- at Hira Company Raipur and was going to Bilaspur along-with his helper in the night. When the truck reached in between villages Khanduwa and Duldula at N.H. 130, the accused persons who came in Scorpio Vehicle stopped the truck, assaulted them and thereafter looted the truck along with the iron material

loaded therein worth Rs.10,70,057/-. It is also alleged that Rs.5400 was looted from the complainant and Rs.500/- from the helper.

3. Learned counsel for the applicant Sujeet Sharma submits that except recovery of Rs.19000/- that too in another criminal case, no evidence exists against him. In respect of applicant Santosh Kumar Sharma it is contended that Rs. 5000/- was recovered and Scorpio Vehicle was also shown to be recovered, however, no connection was established as the applicants Sujeet Sharma and Santosh Kumar have not been identified in the Test Identification Parade (TIP).
4. Learned counsel for applicant Ranjay Kumar and Raushan Kumar would submit that the TIP which was conducted would be valid as in the initial statement recorded u/s 161 Cr.P.C., the witnesses have said that the entire face was covered, therefore, it is not clear as to how the applicants were identified. Hence the false allegations have been attributed.
5. On the other hand, Learned State Counsel opposes the arguments.
6. In respect of the applicants Sujeet Sharma and Santosh Kumar Sharma, considering the nature of evidence available against them, I am inclined to allow their bail applications. Accordingly, M.Cr.C.No. 6726/2020 & M.Cr.C.No.6747/2020 are allowed and the applicants Santosh Kumar Sharma and Sujeet Sharma are directed to be released on bail on each of them executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court for their appearance before the said Court as and when directed.
7. In respect of applicants Raushan Kumar and Ranjay Kumar,

the question of validity of Test Identification Parade can only be tested during the course of evidence and at this stage, no inference can be drawn. Taking into consideration the allegations levelled and the evidence available against Raushan Kumar and Ranjay Kumar, I am not inclined to allow their bail applications. Accordingly, M.Cr.C. No.8475/2020 & M.Cr.C.No.8466/2020 are dismissed.

C.c. as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**

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