

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 7086 of 2021**

- Nikhil Kumar Singh, S/o Shyamsher Singh, aged about 28 years, R/o Koriya Colliery, Police Station Chirimiri, District Koriya (CG)

---- Applicant (In jail)**Versus**

- State of Chhattisgarh Through Station House Officer, Police Station Chirimiri, District Koriya (C.G.)

---- Non-applicant**MCRC No.7708 of 2021**

- Mangal Singh, S/o Ram Singh, aged about 20 years, R/o village Bajnaridand, Police Station Khadgawa, Tahsil Chirmiri, District Koriya (CG)

---- Applicant (In jail)**Versus**

- State of Chhattisgarh Through Station House Officer, Police of Police Station Chirimiri, District Koriya (C.G.).

---- Non-applicant**&****MCRC No.9092 of 2021**

- Shambhu Rajak S/o Late Vijay Rajak aged about 30 years R/o Tikrapara Chirmiri, Police Station and Tahsil Chirmiri, District Koriya (CG)

---- Applicant (In jail)**Versus**

- State of Chhattisgarh Through Station House Officer, Police of Police Station Chirimiri, District Koriya (C.G.).

---- Non-applicant**M.Cr.C. No.7086/2021**

For Applicant : Mr. Shakti Raj Sinha, Advocate
 For Non-applicant : Mr. Sudhir Sahu, Panel Lawyer

&**M.Cr.C. Nos.7708/2021 & 9092/2021**

For Applicant : Mr. Anil Gulati, Advocate
 For Non-applicant : Mr. Sudhir Sahu, Panel Lawyer

Hon'ble Mr. Justice Parth Prateem Sahu

Order On Board

14/12/2021

1. As above applications arise out of same crime number, they are being heard together and decided by this common order.
2. These are first applications under Section 439 of CrPC for grant of regular bail to applicants who are in custody since 23.8.2021, 24.8.2021 & 27.8.2021 respectively in connection with Crime No.276/2021 registered at Police Station Chirmiri, District Koriya (CG) for commission of offence punishable under Sections 457, 458, 380, 395 of the Indian Penal Code.
3. Case of prosecution, in brief, is that on 22.8.2021 in night at about 1:00 a.m. about 20-25 persons entered into OCM Stores, Chrimiri. Complainant Vijay Singh, who was posted there as Assistant Security Officer, intervened to act of commission of dacoity by them, to whom applicants and others threatened. They have taken away 100 mts of copper cable after cutting. When police reached on spot, accused persons fled away. Applicant Mangal Singh was caught red handed from the spot. Based on memorandum statement of applicant Mangal Singh, other persons along with applicants have also been arrayed as accused and they were arrested.
4. Mr. Shakti Raj Sinha and Mr. Anil Gulati, Advocates for respective applicants would submit that applicants have been falsely implicated in aforementioned crime. Applicant Nikhil Kumar Singh and Shambhu Rajak are made accused only on

the basis of memorandum statement of applicant Mangal Singh. There is no seizure of any theft or incriminating article from possession of applicants. Hence, applicants may be enlarged on regular bail.

5. On the other hand, Mr. Sudhir Sahu, learned Panel Lawyer for the State opposes submissions of learned counsel for respective applicants and submits that applicant Mangal Singh was caught red-handed by police from the spot i.e. inside the store premises. Other accused persons managed to flee from spot, when police chased them, they started pelting stones on police. Based on memorandum statement of applicant Mangal Singh, other persons were made accused. He read over statement of Vijay Singh, Puran Singh, Ramawtaar and Uday Shankar in support of his contention. Looking to the manner in which offence is committed by applicants, they are not entitled for grant of regular bail.
6. I have heard learned counsel for parties.
7. Taking into consideration overall facts and circumstances, nature of allegations, manner in which alleged offence is committed; statement of eyewitnesses by name Vijay Singh, Puran Singh, Ramawtaar, Uday Shankar, I do not find it to be a fit case where applicants should be enlarged on regular bail.
8. Accordingly, all three applications are rejected.

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-