

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7607 of 2021**

- Sankalp Sharma, S/o Anupam Sharma, Aged About 28 Years, R/o Ward No. 11, Baba Ram Dev Ward Bemetara District Bemetara Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through District Magistrate Bemetara, District Bemetara Chhattisgarh.

---- Respondent

For Applicant	:	Ms. Sareena Khan, Adv.
For Respondent/State	:	Mr. Gurudev I. Sharan, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****07.12.2021**

1. The accused/applicant has moved this **third bail application** under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 539/2019 registered at Police Station- Bemetara, District- Bemetara (C.G.) for the offence punishable under Sections 394, 461, 120B, 397, 409 of IPC and Section 25, 27 of Arms Act.
2. Earlier the first bail application of the applicant was dismissed as withdrawn vide order dated 20.08.2020 passed in MCRC No. 5252/2020 by this Court.
3. The second bail application of the applicant was rejected vide order dated 12.07.2021 passed in MCRC No. 4540/2021 by this Court.
4. The prosecution story, in brief, is that on 05.10.2019, when the applicant, who is Cash Manager, Service Location In-charge,

Bemetara, along with co-accused were going in Cash Vehicle No. C.G.04-ZD-4794 to deposit cash of Rs. 1,64,00,000/- in different ATMs after collecting the same from State Bank of India, Bemetara Branch, near Nawagarh ATM the same was looted by two other co-accused persons. During investigation, the cash was found to be less and Rs. 80,00,000/- recovered from the possession of the applicant. Based on this, offence has been registered against the applicant and he has been taken into custody on 10.10.2019.

5. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. She further submits that the main witness Bhupendra Saman has been examined and he did not support the prosecution case and declared hostile before the trial court. She next added that the applicant is in jail since 10.10.2019, there is no likelihood of his case being decided in near future, therefore, the present appellant may be released on bail.
6. On the other hand, counsel for the State opposes the bail application and submits that the offence committed by the applicant is of serious in nature and, therefore, it is not a fit case to release him on bail.
7. I have heard learned counsel for the parties and perused the record.
8. Considering the facts and circumstances of the case and looking to the fact that the second bail application has been rejected on merits and there is no change in the facts and circumstances of the present case, at this stage, I am not inclined to release him on bail.
9. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is rejected.

**Sd/-
(Rajani Dubey)
Judge**