

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7658 of 2020

Aakash Banjare S/o Kumeram Banjare Aged About 22 Years R/o Chhar Road,
Indira Gandhi Ward, Satnami Para, Gharghoda, District Raigarh, Chhattisgarh.,
District : Raigarh, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station
Lailunga, District Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Respondent

MCRC No. 8482 of 2020

Ghanshyam Khande S/o Puniram Khande Aged About 32 Years R/o Ward No.
4 Gharghoda P.S. And Tahsil Gharghoda, District Raigarh Chhattisgarh.,
District : Raigarh, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station
Lailunga Civil And Revenue District Raigarh Chhattisgarh., District : Raigarh,
Chhattisgarh

---- Respondent

For Respective Applicants	:	Shri Atanu Ghosh and Shri Manoj Kumar Jaiswal, Advocates
For State	:	Shri Pawan Kesharwani, Panel Lawyer

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

21/01/2021

Heard.

1. By this common order, MCRC No.7658 of 2020 and MCRC No.8482 of 2020 are being disposed off as both the bail applications arise out of same crime

number.

2. The applicants are arrested in connection with Crime No.140/2020 registered in Police Station- Lailunga, District- Raigarh (CG) for alleged commission of offence under Sections 395, 412 IPC.
3. Case of the prosecution, in brief, is that the applicants and other co-accused, five in numbers, intercepted the complainant when he was going on a motorcycle and cash of Rs.43,080/- was looted.
4. Learned counsel for the applicants would submit that as far as present applicants are concerned, they have neither been identified nor there is any identification of cash allegedly recovered from their possession. It is argued that in the FIR, the complainant has said that he will identify the dacoits, but, later on, when his case diary statement was recorded on 10.7.2020, he told that he will not be able to identify and on the very next day, the applicants have been shown to be arrested. Learned counsel would further submit that as far as other identifiable articles like bag, watch and mobile is concerned, have been seized from the possession of other co-accused and not from the present applicants. Learned counsel for the applicants further submit that the investigation is complete and charge sheet has also been filed, therefore, at this stage, the applicants may be released on bail.
5. On the other hand, learned counsel for the State opposed the bail application by submitting that in the present case from the applicants- Aakash and Ghanshyam, cash of Rs.7,000/- has been seized from each of them which prima faice involves them in commission of alleged offence. Learned State counsel submits that names of these two accused were stated in the memorandum of co-accused Gopi.
6. Taking into consideration the submissions made by learned counsel for the parties, particularly taking into consideration that the applicants have not been identified and the cash allegedly seized from the possession of these applicants is not identified as the same cash bearing the number of the cash allegedly looted and that no other identifiable articles like bag, watch and mobile have been seized from the possession of the applicants and further

that investigation is complete, charge sheet has been filed and that the applicants are in jail since 11.7.2020, both the applications are allowed.

7. It is directed that applicants- Aakash Banjare and Ghanshyam Khande shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- along with two local sureties for the like amount to the satisfaction of the concerned trial Court with following further conditions:-

- (i) The applicants shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (ii) The applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Praveen