

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MCRC No. 7735 of 2021**

- Jitendra Kumar Sharma S/o Shri Kishore Kumar Sharma aged about 24 Years Residing of Village Hehal Post Chengudda District Ramgarh, Jharkhand.

-----Applicant**VERSUS**

- State of Chhattisgarh Through the Police Station Sakri, District Bilaspur Chhattisgarh.

-----Non-applicant

For Applicant	: Mr. Pravin Kumar Tulsyan, Advocate
For Non-applicant	: Mr. B.P. Banjare, Dy. Govt. Adv.

Hon'ble Shri Parth Prateem Sahu, Judge**ORDER****02/12/2021**

1. Applicant has filed this application under Section 439 of CrPC for grant of regular bail as he has been arrested in connection with Crime No. 34/2021 registered at Police Station Sakri, District Bilaspur (C.G.) for offence punishable under Section 307, 398 of IPC & Sections 25 and 27 of Arms Act.
2. As per case of prosecution, on 25.01.2021, at about 19:54 hours, some unknown person covering their faces with cloth entered into Satishri Jewellers shop situated at Uslapur near Nature City Colony, Bilaspur. The persons into the shop were 4 to 5 in number committed dacoity. One person by name Alok Soni sitting at the cash counter resisted the act of accused and started making scream and running out of the shop upon which one of the accused person fired upon him due to which he suffered gun shot injury. Thereafter, all the accused person ran away on two

motor cycles kept standing by two other accused persons on road. The incident was reported to concerned police station based upon which aforementioned crime was registered initially against unknown person. During course of investigation, applicant along with others was arrested on 30.01.2021.

3. Mr. P.K. Tulsyan, learned counsel for the applicant would submit that applicant has been falsely implicated in the crime. He is not connected with the alleged crime. There is no material available in the charge-sheet to connect applicant in the instant crime. He submits that as per allegation, all the co-accused persons have covered their faces but police has not conducted test identification parade. Applicant has been made accused in the instant crime based on the memorandum statement of co-accused which is not admissible piece of evidence. No incriminating articles have been seized from the possession of applicant. He is in jail since 30.01.2021, charge-sheet has been filed, hence, he may be enlarged on regular bail.

4. Mr. B.P. Banjare, learned State counsel, while opposing the submission made by learned counsel for the applicant would submit, that at the time of commission of crime accused persons in hurry left one black color bag in shop, in which one number plate bearing number CG10M9267 was found. Upon search of CCTV footage, police officials of cyber crime with the help of others have identified one of the accused as Dinesh Kumar Bandhekar. Upon investigating mobile number registered in the name of Dinesh Bandhekar, it revealed that from mobile number recorded in his name he made several calls to mobile phone at Jharkhand location prior to the date of incident. Based on the

mobile calls as appearing in CDR, police went to Jharkhand and applicant along with others who are residents of Jharkhand were arrested, Dinesh Bandhekar was also arrested and their memorandum statement were recorded in which name of applicant along with other accused person is mentioned. Learned counsel also pointed out that in the memorandum statement accused persons have admitted commission of crime at several other places also which is also forming part of case diary. Applicant along with other co-accused made an attempt to commit dacoity and in furtherance of which two accused persons have also caused gun-shot injury to one Alok Soni, hence, applicant is not entitled for grant of bail.

5. I have heard learned counsel for the respective parties and also gone through the record available along with case diary.
6. Having regard to facts and circumstances of the case, nature of allegations, manner in which crime is committed, submission of learned counsel for the State based on case diary, gravity of offence, I am not inclined to enlarge the applicant on bail.
7. Accordingly, application stands rejected.

Sd/-
(Parth Prateem Sahu)
 Judge