

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6821 of 2020

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

Versus

State of Chhattisgarh through - S.H.O Police Station - Dharsiva,
District - Raipur, Chhattisgarh. **--- Respondent**

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

MCRC No. 7098 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 Dharsiwa , District Raipur Chhattisgarh., District : Raipur,
Chhattisgarh **--- Respondent**

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

MCRC No. 7438 of 2020

Indra Kumar Verma S/o- Ram Verma Aged About 38 Years R/o-
Village Chikhali, Police Station- Aurang, Raipur, Tahsil And District -
Raipur (Chhattisgarh) **--- Applicant**

Versus

State of Chhattisgarh through Station House Officer, Police Station -
Dharsiwa, Raipur, District Raipur (Chhattisgarh) **--- Respondent**

For the applicant	: Mr. Rahim Ubwani, Advocate
For the State	: Mr. Gagan Tiwari, Dy.Govt. Adv.

MCRC No. 8244 of 2020

Ranjay Kumar S/o Ramvriksha Singh Aged About 28 Years R/o
Village Nagvan, Post Bishnuganj P.S. Ghoshi, Distt. Jahanabaad,
Bihar **---Applicant**

Versus

State of Chhattisgarh through P.S. Dharsiwan, Distt. Raipur,
Chhattisgarh **--- Respondent**

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

MCRC No. 8245 of 2020

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

Versus

State of Chhattisgarh through P.S. Dharsiwan, District Raipur
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 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.223/2020 registered at Police Station Dharsiwa Distt. Raipur (C.G) for the offences punishable u/ss 341, 394, 395, 397, 398, 412, 506, 34 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 24.06.2020, a report was made by one Rana Banjare that on 23.06.2020 the truck bearing No.C.G.04 JC 8440 was loaded with 25 tons of iron plates worth Rs.7,50,000/- at Prakash Industries Janjgir Champa and was going to Rapur in the night. On the way, at Dharsiva, the applicants who came in a Scorpio Vehicle threatened the complainant and looted the truck along-with the loaded iron plates and also looted cash of Rs.16,500/- from him.
3. Learned counsel for the applicant Sujeet Sharma submits that there is no direct evidence against him and only the recovery of cash of Rs.19000/- has been made from him and he has not been identified in the Test Identification Parade and his name appears only on the basis of memorandum and the mobile tower location evidence is not placed.
4. In respect of applicant Santosh Kumar Sarma, learned counsel submits that Santosh Kumar Sharma has also been falsely inculpated and no evidence is available against him. The Scorpio vehicle which was alleged to have been used in the offence was shown to be seized from him, but the said Scorpio vehicle did not belong to the Santosh Kumar Sharma and the mobile tower location evidence is also not available.
5. In respect of applicants Raushan Kumar and Ranjay Kumar, learned counsel submits that the applicants were arrested on 25.06.2020 and whereas the statement under section 161 Cr.P.C., was recorded on 24.06.2020 wherein it was stated that the T.I. Parade was held on 27.06.2020, therefore, there is inconsistency about the date. It is also submitted that the mobile tower location evidence is also not available.
6. In respect of Indra Kumar Verma, learned counsel submits that except seizure of mobile phone, no evidence is available against him and no seizure has been made.

7. Per contra, learned State Counsel opposes the bail application and would submit that in respect of Ranjay Kumar and Raushan Kumar, test identification parade was conducted wherein they were identified and in respect of Indra Kumar, he has referred to the statement of Lala Bhai who is an eye witness wherein he stated that at the time when the truck was looted, Indra Kumar was present at scene of offence.
8. Heard learned counsel for the parties.
9. In respect of Santosh Kumar Sharma and Sujeet Sharma, considering the nature of evidence available against them that they have been inculpated, I am inclined to allow the bail application.
10. Accordingly, M.Cr.C.No.6821/2020 & M.Cr.C.No.7098/2020 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.
11. In respect of applicants Raushan Kumar, Ranjay Kumar & Indra Kumar taking into consideration the test identification parade wherein they have been identified and the statement of eye witness Lala Bhai who has stated against these applicants, I am not inclined to allow their bail applications. Accordingly, M.Cr.C.No.7438/2020, M.Cr.C.No.8244/2020 & M.Cr.C.No.8245/2020 are dismissed.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE