

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7090 of 2020

1. Sujeet Sharma Son Of Bachchulal Sharma Aged About 42 Years Resident Of Ruabandha, S.E.C.L. Colony, Bhilai, District Durg (C.G.).

----Applicant

Versus

1. State Of Chhattisgarh Through - The Out Post-Karhi Bazar, Police Station City Kotwali, Balodabazar, District - Balodabazar - Bhatapara (C.G.).

---- Non-applicant

For Applicant : Mr. Goutam Khetrapal, Advocate.
For Respondent/State : Dr. (Ms.) Veena Nair, Dy. Advocate General.

MCRC No. 8474 of 2020

1. Ranjay Kumar S/o Ramvriksha Singh (Wrongly Mentioned As Ramvirikesh Singh), Aged About 26 Years R/o Village Nagvan, Post Bishnuganj Police Station Ghoshi, District Jahanabaad, Bihar.

----Applicant

Versus

1. State Of Chhattisgarh, Through Arakshhi Kendra Chawki Karhi Bazar, Police Station City Kotwali Balaudabazar, District Balaudabazar (C.G.).

---- Non-applicant

For Applicant : Mr. Mayank Chandrakar, Advocate.
For Respondent/State : Dr. (Ms.) Veena Nair, Dy. Advocate General.

MCRC No. 8627 of 2020

1. Mritunjay Kumar S/o Shri Surendra Prasad, Aged About 24 Years, R/o Ward No. 14, Rawabhata, Raipur (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through Police Station Outpost Karhi Bazar, Police Station City Kotwali Balodabazar, District Balodabazar (C.G.).

---- Non-applicant

For Applicant : Mr. Rakesh Pandey, Advocate.
For Respondent/State : Dr. (Ms.) Veena Nair, Dy. Advocate General.

MCRC No. 8750 of 2020

1. Indra Verma S/o Ram Kumar Verma, Aged About 39 Years, R/o Village Chikhali, Police Station Aurang, Raipur, Tahsil And District Raipur (C.G.).

----Applicant

Versus

1. State Of Chhattisgarh, Through Station House Officer, Police Chowki- Karhibazar, Police Station- City Kotwali, Balodabazar, District Balodabazar-Bhatapara (C.G.).

---- Non-applicant

For Applicant : Mr. Rahim Ubwani, Advocate.
For Respondent/State : Dr. (Ms.) Veena Nair, Dy. Advocate General.

MCRC No. 8790 of 2020

1. Raushan Kumar Sharma S/o Ravindra Sharma, Aged About 30 Years R/o Village Nagvan, Post Bishnuganj, P.S. Ghoshi, District Jahanabaad, Bihar (C.G.).

----Applicant

Versus

1. State Of Chhattisgarh Through Arakshhi Kendra Chawki Karhi Bazar, P.S. City Kotwali, Balaudabazar, District Balaudabazar (C.G.).

---- Non-applicant

For Applicant : Mr. Mayank Chandrakar, Advocate.
For Respondent/State : Dr. (Ms.) Veena Nair, Dy. Advocate General.

Hon'ble Justice Shri Gautam Chourdiya
Order On Board

20/01/2021

- 1) Heard.
- 2) As all theses First Bail Applications under Section 439 of Code of Criminal Procedure, 1973 arises out of the same crime number 186/2020 registered at Police Outpost Karhi Bazar, Police Station City Kotwali Balodabazar, District Balodabazar (C.G.), they are being disposed of by this common order.
- 3) Offence registered against the Raushan Kumar Sharma, Mritunjay Kumar and Indra Verma is under Sections 294, 395, 398, 328, 120B and 412 of Indian Penal Code and Section 25 & 27 of Arms Act whereas offence registered against applicant Ranjay Kumar is under Section 394, 395, 398, 328 & 120B of Indian Penal Code and Section 25 & 27 of Arms Act and offence registered against applicant Sujeet Sharma is under Section 394, 328, 395, 398 of Indian Penal Code and Section 25 & 27 of Arms Act.
- 4) Allegation against the applicants is that they in connivance with each other, on 07/03/2020 at 09:00 PM got lift in the truck of the complainant-Driver Ajit Kumar and at Nandghat Highway road forcibly took possession of the said truck bearing No. CG04-LE 5033 on the gun point and looted 33.570 tonnes of sponge iron loaded in it. On report being lodged to the above effect, offence under the aforesaid sections has been registered against the applicants.
- 5) Learned counsel for the applicants submit that the applicants are innocent person and have been falsely implicated in this case. Learned counsel for the applicants submit that Sujeet Sharma was not identified during identification parade. Applicant Indra Verma has no connection in crime in question, no incriminating article has been seized from. In fact the applicants have been

involved in this crime on the basis of memorandum of statements of the accused recorded in other cases. The FIR was lodged against unknown persons and only on suspicion present applicants have been arrested in this case. The applicant Sujeet Sharma has been arrested on 22/06/2020, applicants Raushan Kumar Sharma & Ranjay Kumar have been arrested on 25/06/2020, applicant Mritunjay Kumar has been arrested on 02/07/2020 and applicant Indra Verma has been arrested on 25/08/2020, due to COVID-19 situation trial is likely to take some time for its disposal. Lastly it is submitted that co-accused Mahesh Prasad Jaiswal has already granted regular bail by the Co-ordinate Bench of this Court vide order dated 09/11/2020 in MCRC No. 7461/2020. Therefore, the applicants be released on bail.

- 6) Learned counsel for the State submitted in this case Indra Verma and Sujeet Sharma are the main conspirator of the said dacoity and identification parade is also held and accused Mritunjay Kumar, Raushan Kumar Sharma, Rounak and Ranjay Kumar all are identified during identification parade. Therefore, looking to the manner in which the offence has been committed by the applicants, the Trial Court has rightly rejected their bail applicants. He submits that the applicants have 2 more criminal antecedents under Crime No. 223/2020 registered at police Station Dharsiwa for the offence under Sections 341, 394, 395, 397, 398, 412 & 506, 34 of IPC and under Sections 25 & 27 of Arms Act and Crime No. 192/2020 registered at Police Station Simga for offence under Sections 341, 394, 506, 395, 397, 398, 412, 120-B of IPC and under Section 25 & 27 of Arms Act.
- 7) Heard learned counsel for the parties.
- 8) Considering the facts and circumstances of the case, the material collected by the Investigating Officer, the manner in which dacoity was committed by the applicants after obtaining lift from the complainant/driver and thereafter administering them intoxicating drugs and looting the truck as well as 33.570 tonnes

of sponge iron loaded in it, in their memorandum the accused persons stated that they sold the looted sponge iron to co-accused Mahesh Prasad Jaiswal for Rs. 5,12,000/-, in the identification parade the applicants have been identified, apart from the present crime, 2 other similar nature of offence has been registered against the applicants, the case of the present applicants is distinguishable on facts from co-accused Mahesh Prasad Jaiswal who has been granted bail by the Co-ordinate Bench of this Court, without commenting anything on merits of the case, this Court is **not** inclined to release the applicants on bail. Accordingly, all these bail applications are **rejected**.

-Sd/-
(Gautam Chourdiya)
Judge

Chandrakant