

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2844 of 2015

Rajkumar Sen S/o Panchuram Sen Aged About 25 years R/o Village Biladi,
Police Station Nevra, Civil And Revenue District- Raipur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through: Station House Officer, Police Of Police Station
Simga, District- Baloda Bazar-Bhatapara, Chhattisgarh

---- Respondent

For applicant/s	: Shri Anil Gulati, Advocate
For Respondent / State	: Shri Manish Nigam, Panel Lawyer

Order On Board

13/07/2015

This is second bail application.

The applicant has been arrested on 07/02/13 in connection with Crime No.376/12 registered at police station Baloda Bazar, Bhatapara, C.G. for alleged commission of offence under Section 395, 412 of IPC.

2. Prosecution case is that the applicant and other accused committed dacoity and looted construction material.

3. Learned counsel for the applicant submits that there is no case of the prosecution with regard to the identification of the applicant. The memorandum witnesses of the alleged memorandum of the applicant have either turned hostile or given up by the prosecution itself and that there is no material to connect the applicant with the alleged commission of offence. He submits that out of remaining 13 accused, 12 have been granted bail and one has not applied for it.

4. Learned State counsel submits that looking to the nature and gravity of allegations of dacoity and that at the instance of the applicant, recovery of looted articles have been made, the bail application is liable to be rejected. He further submits that there are number of cases pending against the applicant.

5. Taking into consideration the submission of learned counsel for the parties, further taking into consideration the submission that out of two memorandum witnesses, one has not supported the case of the prosecution and the other has already been given up and that the applicant is in jail since 07/02/13 and also that 12 other co-accused have already been granted bail, the application is allowed.

6. Accordingly, the application is allowed. It is directed that the applicant shall be released on bail on his 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 Trial Court.

Certified copy as per rules.

Sd/-

Manindra Mohan Shrivastava
Judge