

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4582 OF 2015**

Koushal Chand son of Gajanand, aged about 38 years, R/o. Kirodimal, Raigarh, District Raigarh (CG) at present Rampur Basti, Korba, Tahsil and District Korba (CG)

---Applicant**Versus**

State of Chhattisgarh, Through : District Magistrate, Korba (CG)

---Non-applicant

For Applicant	:	Mr. Basant Kaiwartya, Advocate
For-Non-applicant	:	Mr. Qamarul Aziz, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****07/09/2015**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.846/2009, registered at Police Station-Kotwali, Korba, District Korba (C.G.), for the offence punishable under Sections 323, 323/34, 392 and 394 of the IPC.

2. Case of the prosecution, in brief, is that on 10.6.2009 the present applicant and co-accused persons robbed complainant Kishore Pandey and also assaulted him and thereby committed the aforesaid offence.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and he has been falsely implicated in the case. He would further submit that the applicant himself has surrendered before the trial Court when he was knowing the fact of registration of offence against him and as such, he is in jail since 13.8.2015 and therefore, he may be enlarged

on bail.

4. Learned State counsel would oppose the prayer for grant of bail and submit that applicant the applicant is absconder and he could be arrested only by way of permanent warrant of arrest recently on 13.8.2015 and if he is released on bail, there is every chance of his further absconding.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence and also taking note of the fact that he remained absconding from 10.6.2009 and after six years he has been arrested on 13.8.2015, this Court is not inclined to release the applicant on regular bail.

7. Accordingly, bail application filed under Section 439 of the Cr.P.C. is rejected.

8. Certified copy as per rules.

**Sd/-
(Sanjay K. Agrawal)
JUDGE**

B/-