

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4739 of 2015**

- Ganesh Dwivedi @ Pankaj Dwivedi S/o Late Ram Lotan Dwivedi Aged About 26 Years R/o Village Chekwa, P.S. - Sarai Akil, District - Kaushambi U.P.

---- Applicant**Versus**

- State Of Chhattisgarh Through P.S. - Pandri (Mowa), Raipur Chhattisgarh

---- Non-Applicant

For Applicant	:	Mr. Sudeep Agrawal, Advocate
For Non-applicant	:	Mr. Suryakant Mishra, Panel Lawyer

Hon'ble Shri Justice I.S. Uboweja
Order on Board

09/10/2015

1. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.54 of 2015, registered at Police Station- Pandri (Mowa), District Raipur (CG), for the offence punishable under Sections 392, 120-B of the IPC and under Sections 25 & 27 of the Arms Act.

2. Case of the prosecution, in brief, is that on 26.02.2015 at about 1.45 p.m., the present applicant along with two other co-accused persons have committed robbery, whereby they looted an amount of Rs.12,77,000/- from Satyanarayan Moorthi, who was working as O.S.D. (Officer on Special Duty) to the Director, Narayana Hospital, Raipur.

3. Learned counsel for the applicant submits that the present applicant has not committed any offence and has been falsely implicated in the case. He further submits that no recovery has been made from the present applicant and there is no incriminating evidence against the applicant. He also submits that the applicant is in jail since 22.03.2015, charge-sheet

has been filed and no further custodial interrogation of the applicant by the prosecution is required, therefore, the applicant may be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application.

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

6. Taking into consideration the facts and circumstances of the case; particularly, the role of the applicant and pretrial detention of the applicant since 22.03.2015; case is triable by the Judicial Magistrate First Class and trial is likely to take some more time and further taking into account the nature and gravity of offence and plea raised by the applicant that he has falsely been implicated in case and no further custodial interrogation is required by the prosecution, I am of the considered opinion, *prima facie* that present is the fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application is allowed and it is directed that applicant Ganesh Dwivedi @ Pankaj Dwivedi shall be released on bail on his furnishing a personal bond in the sum of **Rs.25,000/-** with one surety in the like sum to the satisfaction of the trial Court. He shall appear before the trial Court on each dates as are given to him till completion of the trial.

Certified copy as per rules.

Sd/-
(Inder Singh Uboweja)
JUDGE