

HIGH COURT OF CHHATTISGARH, BILASPUR

Misc. Criminal Case No.3543 of 2015

Bharat Kotak, S/o Jayanti Lal Kotak, aged about 49 years, R/o Diwanpara,
Thana Kotwali, Distt. Rajnandgaon (CG)

---- Applicant

Versus

State of Chhattisgarh, Through Police Station Kotwali, Distt. Rajnandgaon
(CG)

---- Non-applicant

For Applicant:	Mr. Samir Singh, Advocate.
For Non-applicant:	Mr. Neeraj Pradhan, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

27/07/2015

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.908/2014 (Criminal Case No.1585/2015 pending in the Court of Chief Judicial Magistrate, Rajnandgaon) registered at Police Station Kotwali, Rajnandgaon, for the offence punishable under Sections 393, 395, 398 of the IPC, 25 and 27 of the Arms Act.
2. Case of the prosecution, in brief, is that it is alleged that the applicant along with other co-accused persons have attempted to commit dacoity / robbery in Vijaya Bank, Rajnandgaon and thereby committed the offence.
3. I have heard learned counsel for the parties and perused the case diary.
4. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the case. No dacoity / robbery has been committed by the applicant as such, he is in jail since 12-4-2015 and charge sheet has been filed. No useful purpose will be served by keeping him in jail.

5. On the other hand, learned State counsel opposes the application and submits that the applicant's name finds place in the memorandum statements of co-accused persons as he was found standing outside the bank watching the activities.
6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case and the manner in which the applicant is alleged to have been made attempt to commit dacoity in Vijaya Bank, I am not inclined to grant regular bail to the applicant. The application is rejected.

Sd/-
(Sanjay K. Agrawal)
Judge