

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6181 of 2015

Shatrughan Nishad, son of Dauram Nishad, aged about 25 years, resident of Chorenga, P.S. & Tahsil, Simga, Civil & Revenue District Balodabazar-Bhatapara, Chhattisgarh ... **Applicant**

Versus

State of Chhattisgarh, through Station House Officer, Police Station Simga, District, Balodabazar, Bhatapara (C.G) ... **Non-applicant**

For the applicant	:	Mr. Awadh Tripathi, Advocate
For the Respondent	:	Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

24 .11.2015

1. This is an application filed under section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant in connection with Crime No.149/2015 registered at Police station Simga, Distt. Balodabazar-Bhatapara for the offences punishable under section 395 & 397 IPC.
2. As per the prosecution case, on 02.05.2015 at about 2 a.m., four persons looted Rs.1,75,000/- from Chowkidar of Aysa Petrol Pump situated at village Chandeli National Highway. Thereafter a report was lodged and the applicant was arrested on 12.05.2015 and on identification parade, he was identified.
3. Learned counsel for the applicant submits that the incident took place on 02.05.2015 and nothing has been recovered from this applicant and he has been falsely implicated in the case. He further submits that there is delay in conducting the identification parade and the applicant is in jail since 12.05.2015, therefore, looking to the period of detention, he may be enlarged on bail.
4. Per contra, learned State Counsel opposes the bail application and

submits that the bail application of similarly placed co-accused Prahlad Banjary has been rejected by this Court vide order 01.10.2015 passed in M.Cr.C.No.5189 of 2015.

5. I have gone through the case diary and the documents collected by the prosecution.
6. Taking into consideration the case diary and the evidence available and further the manner in which the offence took place as also the fact that the bail application of similarly placed co-accused has been rejected by this Court, I am not inclined to allow this bail application. Accordingly, the bail petition is rejected.

Sd/-
GOUTAM BHADURI
JUDGE