

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6381 of 2015

Uttam Kumar, son of Shri Bindharam Ravi, aged about 20 years, caste Chmaar, r/o Kaupal, Chhatarpur Palamu (Jharkhand)... **Applicant**

Versus

The State of Chhattisgarh, through Station House Officer of Chowki Morega Police Station Bango District Korba (C.G). ... **Respondent**

For the applicant	:	Mr. Shailendra Dubey, Advocate
For the Respondent	:	Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

27 .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.36 of 20015 registered at Police Station Chowki Morega, P.S. Bango Distt. Korba for the offences punishable under sections 395/34 IPC.
2. As per the prosecution case, while the victim was coming back from his duty, the applicant along-with other co-accused has stopped him and looted Rs.4000/-, a mobile phone, PAN card and other identity card and thereafter snatched away the motorcycle of victim.
3. Learned counsel for the applicant submits that initially the report of theft was made that while victim was answering the call of nature by putting his motorcycle on stand, few persons came there and took away the purse, bag, mobile phone etc., which were kept in the dickky of motor cycle. He further submits that subsequently memorandums of the applicant and other co-accused were obtained by the police and on that basis, the offence of loot was registered. He further submits that no identification of the applicant has been

made and he has been falsely implicated.

4. Per contra, learned State Counsel opposes the prayer for grant of bail and submits that from the possession of this applicant, a motorcycle belonged to the victim was seized.
5. I have gone through the statement of the victim and memorandum statements wherein it is stated that the applicant alongwith other co-accused has committed loot and thereafter the motorcycle was snatched from him.
6. Considering the way in which the offence has been committed and the seizure has been made and further considering the fact that the correctness of the memorandum is to be adjudicated at the time of the trial, I am not inclined to allow this bail application. Accordingly, it is rejected.

Sd/-

**GOUTAM BHADURI
JUDGE**