

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6661 of 2015

1. Manjay Kumar, S/o. Kanharam Nut, aged about 22 years, R/o. Village-Diwanpur, Thana-Pathalgaon, Civil and Revenue District – Jashpur (C..G)

----Applicant

Versus

1. State Of Chhattisgarh, Through : Police Station – Kapu, District – Raigarh (C.G.)

---- Respondent

For Applicant	: Mr. Sanjay Agrawal, Advocate
For Respondent/State	: Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

07/12/2015

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.149/2014, registered at Police Station – Kapu, District – Raigarh (C.G.) for the offence punishable under Section 458, 342, 170, 395, 398, 120-B of I.P.C.
2. Case of the prosecution, in brief, is that on 07.12.2014, the applicant alongwith co-accused entered into the house of Budhram and pretended that they are Police Officers and on that pretext, they committed dacoity. Subsequently on investigation being made, the applicant has been arrested.
3. Learned counsel for the applicant would submit that the applicant is arrested only on the basis of memorandum of co-accused and he has been falsely implicated in this case and he has not committed any offence. He would further submit that the applicant is in jail since

27.06.2015. He would further submit that similarly placed co-accused in this case has been enlarged on bail by this Court in M.Cr.C. No.6291/2015 vide order dated 26.11.2015, therefore, the counsel prays that the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. I have perused the case diary as well as the copy of the order dated 26.11.2015, passed in M.Cr.C. No.6291/2015, wherein this Court has granted bail to the accused, Dhanaram Rawat on the ground that he was not identified, but this applicant has been identified. Considering the evidence collected by the prosecution against this applicant, I am not inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge