

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.4793 of 2015**

Monu @ Anand Kesari, S/o Omprakash, aged about 20 years, R/o Behind Ganj, Kharsiya, Raigarh (CG)

---Applicant

Versus

State of Chhattisgarh, Through the Station House Officer, AJAK, Raigarh (CG)

---Non-applicant

For Applicant	:	Mr. Varurendra Mishra, Advocate
For Non-applicant	:	Mr. Aditya Sharma, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****14/09/2015**

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.6/2014, registered at Police Station-Ajak, Raigarh, District-Raigarh (C.G.), for the offence punishable under Sections 147, 294, 506, 323, 395, 354 & 452 of the IPC and Section 3 (1) (x) of the Scheduled Cates and Scheduled Tribes (Prevention of Atrocities) Act.

2. Case of the prosecution, in brief, is that on 8.3.2014 the present applicants along with other co-accused persons entered the house of complainant namely Smt.Krishna Khatik, abused her by caste, assaulted her and looted a sum of Rs.1820/- from her purse and thereby committed the aforesaid offence.

3. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has falsely been implicated in crime in question. He would further submit that other similarly situated co-accused persons namely Arti Vaishnav and Bhupendra Vaishnav have been enlarged on bail and case of the present applicant is similar to that of the co-accused,

therefore, he may also be enlarged on bail.

4. On the other hand, learned counsel for the State would oppose the bail application and submit that the applicant outraged the modesty of the complainant and also looted her Rs.1820/-. He would further submit that previously two criminal cases have been registered against him and he has only been arrested by issuance of standing warrant of arrest.

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

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; role of the present applicant; the manner in which he was arrested by standing warrant of arrest and the fact that case of the present applicant is distinguishable to that of the co-accused who have been enlarged on bail, this Court is of the opinion that present is not a fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is rejected.

8. Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-