

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5460 of 2015

Virendra Patel, son of Ashwani Patel, aged about 20 years, resident of village Khapri, Police Station Masturi, Civil & Revenue District Bilaspur, Chhattisgarh. --- **Applicant**

Versus

State of Chhattisgarh through Station House Officer, Police Station Civil Lines, Bilaspur, District Bilapur --- **Non-applicant**

For the applicant	:	Mr. Dharmesh Shrivastava, Advocate
For the Respondent	:	Mr. O.P. Sahu, Govt. Advocate

MCRC No. 5558 of 2015

Virendra Singh Maravi, son of Shri Bhagwan Das, aged about 22 years, resident of Pan Umariya, P.S. Pan Umariya, Revenue and Civil District Katni (M.P) --- **Applicant**

Versus

State of Chhattisgarh through the Police Station Civil Lines, District Bilaspur, Chhattisgarh --- **Non-applicant**

For the applicant	:	Mr. Pravin Tulsyan, Advocate
For the Respondent	:	Mr. O.P. Sahu, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

26.10.2015

1. These are two bail applications filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicants in connection with Crime No.53/2015 registered at P.S. Civil Lines, District Bilaspur (C.G) for the offence punishable under Sections 394, 411, 397 read with Section 34 IPC.
2. As per the prosecution case, on 31.01.2015, a complaint was lodged by one Satyendra Kumar Patle stating that he is working as Data Entry Operator in a Company which is preparing Aadhar Cards of Bilaspur Citizens. It is alleged that on 29.01.2015 at about 8.45 p.m., while he was coming back to his house, he was intercepted by accused applicants and at the knife point, they looted Lap Top,

Camera, Charger, TFT Monitor, Finger Print Machine etc., from him. It is further alleged that the complainant was assaulted by the appellants and thereafter both the accused fled from the scene. On report being made, crime was registered and the applicants were taken into custody.

3. Learned counsel for the applicants submit that initially the learned JMFC after perusing the entire charge sheet framed charges under Sections 394, 411 IPC against the accused persons and thereafter recorded the statements of the witnesses and on 31.07.2015, the last witness Shekh Nazeeruddin was examined and cross examined before the learned trial Court and thereafter the matter was fixed for statement of accused persons u/s 313 Cr.P.C. On 24.08.2015 when the matter was fixed for final argument, an application under Section 323, 209 of Cr.P.C., was filed by the D.P.O., and subsequently when the matter was taken up on 27.8.2015 the learned trial Court thought it expedient that the offence under Section 397 IPC is triable by the Sessions Court and therefore, the case was committed to the Sessions Court.
4. Learned counsel for the applicants further submit that even on examination of witnesses, it does not make out a case as the applicants have not been identified properly. They have gone through the statements of the prosecution witnesses and submit that even the seizure witness has turned hostile, however, the learned JMFC at the final hearing stage has committed the case to court of Sessions. It is therefore prayed that the applicants be released on bail.
5. Per contra, learned State Counsel opposes the prayer for grant of bail.
6. Admittedly the applicants were not enlarged on bail before framing charges u/s 397 IPC.
7. Having regard to the facts and circumstances of the case, and after going through the evidence and statements on record, at this stage, I am not inclined to enlarge the applicants on bail.
8. Accordingly both the bail applications – M.Cr.C.No. 5460 & 5558 of 2015 are dismissed.

Sd/-

**GOUTAM BHADURI
JUDGE**