

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 47 of 2016**

Deepak Tiwari, Age-22 Years, S/O Shri Surya Narayan Tiwari, R/o- Ward No.:17, Mouhari-Bhata, Mahasamund, Police Station -Mahasamund, Tahsil-and Civil & Revenue Distt. Mahasamund (C.G.)

---- Applicant**Versus**

State Of Chhattisgarh: Through P.S.-Mahasamund, Civil & Revenue District and Distt. Mahasamund (C.G.)

-----Non-applicant

For Applicant: Mr. J.A. Lohani, Advocate.
For Non-applicant/State: Mr. Dhiraj Kumar Wankhede, GA

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****29/02/2016**

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 361/2015 registered at Police Station Mahasamund, Distt. Mahasamund for the offence punishable under Section 392 of Indian Penal Code.

(2) Case of the prosecution, in brief, is that applicant & three other co-accused persons robbed complainant Trilok Pratap Singh and looted Rs. 150 after assaulting him by iron rod and thereby committed the aforesaid offences.

(3) Counsel for the applicant submits that the applicant has been falsely implicated in the offence in question as there is no evidence available on record connecting the applicant with the

crime in question and nothing has been recovered from the possession of the applicant. He further submits that applicant is languishing in jail since 10.12.2015 and the charge sheet has already been filed and, therefore, the applicant may be released on bail.

(4) On the other hand, counsel for the State submits that the iron rod, by which the complainant was assaulted by the applicant, has been seized from the possession of the applicant.

(5) Taking into consideration the facts & circumstances of the case and recovery of the iron rod, by which applicant has assaulted the complainant, from the possession of the applicant, I am not inclined to release the applicant on bail. Thus, the bail application is rejected.

Certified copy, as per rules.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-