

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.994 of 2016

Mohammad Kaish, S/o Mohammad Mustak, aged about 19 years,
R/o Ward No.5, Near Pani Tanki, Maoharpara, Manendragarh,
P.S. & Tahsil Manendragarh, Civil & Revenue District Koriya
(C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Thana
Manendragarh, Civil & Revenue District Koriya (C.G.)

---- Non-applicant

For Applicant:	Dr. Shailesh Ahuja, Advocate.
For Non-applicant:	Mr. D.R. Minj, Deputy Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

08/03/2016

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.1/2016, registered at Police Station Manendragarh, Distt. Koriya for the offence punishable under Sections 341, 506 and 394 of the IPC.
2. Case of the prosecution, in brief, is that on 1-1-2016, the applicant along with two other co-accused persons robbed complainant Avinash Tirkey while he was going back to his house from Manendragarh Railway Station and thereby committed the offence.
3. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has been falsely implicated in the case. Nothing has been seized from the possession of the

applicant, the applicant is a student. Mobile phone and Rs.100/- have been seized from the possession of co-accused Suraj Jharia. The applicant is in jail since 2-1-2016.

4. On the other hand, learned State counsel would oppose the bail application and would submit that motorcycle used in the offence in question has been seized from the possession of the present applicant.
5. I have heard learned counsel for the parties and gone through the case diary.
6. Taking into consideration the facts and circumstances of the case, nature and gravity of the offence, the manner in which the complainant is said to have been robbed by the present applicant and two other co-accused and the motorcycle used in the offence in question has been seized from the possession of the present applicant, I do not find any case for grant of bail to the applicant. The bail application is, therefore, rejected.

Sd/-
(Sanjay K. Agrawal)
Judge