

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1142 OF 2016**

Jai Chowhan, S/o Bhondu Chowhan @ Damodar Chowhan, Aged about 19 years, R/o Ghandi Chowke, Near Ice Factory Jharsuguda, P.S. Brijrajnagar, District Jharsuguda (O.D.)

---Applicant**Versus**

State of Chhattisgarh, through P.S. Manendragarh, District Korea (C.G.)

---Non-applicant

For Applicant	:	Mr. Arvind Singh, Advocate
For-Non-applicant	:	Mr. O.P. Sahu, G.A.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****10/03/2016**

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. 121/2015, registered at Police Station Manendragarh, District Korea (C.G.), for the

offence punishable under Section 394, 34 of Indian Penal Code.

2. Case of the prosecution, in brief, is that, on 13/06/2015 applicant and other co-accused persons assaulted Victim-Ram Prasad Yadav and robbed his motorcycle and thereby committed aforesaid offence.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in the case. He would further submit that no offence is made out under Section 394 of the I.P.C. and at the most offence under Section 379 of the I.P.C. can be made out. He would further submit that no custodial interrogation is required and no useful purpose would be served by keeping him in jail. He would lastly submit that charge sheet has been filed and applicant is in jail since 14/07/2015, therefore, he may be released on bail.

4. On the other hand, learned State counsel would oppose the prayer for grant of bail and submit that on the memorandum of the present applicant robbed motorcycle

has been seized from the possession of Shiv Kumar Sharthi.

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; the manner in which robbery said to have committed and motorcycle has been robbed, this Court is not inclined to release the applicant on regular bail.

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

8. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge