

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 2284 of 2016**

- Mohit Kaushal, aged about 23 years, S/o Jagrathan Kaushal, R/o Behind Cloth Market, Durga Nagar, Pandri, Raipur, District – Raipur (C.G.)
- Neeraj Murthi, aged about 25 years, S/o Rajmurthi, R/o Mandi Gate, Pandri Talab, In front of Sheetal Mandir, Pandri, Raipur, District – Raipur (C.G.)

**---- Applicants****Versus**

- State of Chhattisgarh, Through – P.S. Telibandha, District – Raipur (C.G.)

**---- Non-Applicant**


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| For Applicants          | : | Mr. Sudeep Agrawal, Advocate.  |
| For Non-Applicant/State | : | Mr. Sameer Behar, Panel Lawyer |

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**Hon'ble Shri Justice I.S. Uboweja****Order on Board****25/04/2016**

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 (for short, 'the Code') for grant of regular bail to the applicants, who have been arrested in connection with Crime No.350/2015 registered at Police Station Telibandha, District – Raipur (C.G.), for the offence punishable under Section 394 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that the present applicants along with one other co-accused committed an act of robbery on 30.09.2015 and therefore F.I.R. was lodged by the complainant / victim Ankit Dwivedi, in the police station Telibandha, Raipur, District Raipur (C.G.)
3. Learned counsel for the applicants submits that the applicants have not committed any offence as leveled by the prosecution agency and have been falsely implicated in the crime in question. Learned counsel further submits that the applicants were present at another place at the time of incident and in support of his argument he has filed some photographs and

copy of complaint and also submits that there is manipulation in the FIR about timing. It has been further argued that charge sheet has been filed and the applicants are in jail since 08.03.2015 and no further custodial interrogation is required by the prosecution, therefore, the applicants be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the facts and circumstances of the case and the allegation leveled against the applicants which is serious in nature; after appreciating the evidence available in the case diary, it is clear that the applicants were absconded for a period of 05 months, I am of the considered opinion that *prima facie* at this stage, it is not a fit case where the applicant can be enlarged on bail.
7. Accordingly, the application for grant of regular bail is liable to be and is hereby rejected.

Certified copy as per rules.

Sd/-  
**(I.S. UBOWEJA)**  
**JUDGE**