

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2563 of 2016

Awdhesh Kumar, S/o. Jawahar Ram, Aged About 19 Years, R/o. Ward No.03, Ghimuha Chowk, Daltonganj, Police Station Daltonganj, District Palamu (wrongly mentioned as Palam in certified copy) (Jharkhand).

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Of Police Station - Gurur, District – Balod, Chhattisgarh.

---- Respondent

For Applicant : Mr. Anil Gulati, Advocate

For Respondent : Mr. Sumit Jhanwar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

20/06/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.79/2016 registered at Police Station- Gurur, District Balod (C.G.) for the offence punishable under Section 394, 414 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 27.01.2016, the complainant Chunnilal alongwith his wife returned to the village, at that time, he was intercepted by the applicant alongwith other co-accused and Rs.8000/- cash, Mobile and Mangalsutra was looted from them. Subsequently, on investigation Mangalsutra was recovered and it revealed that it was identified by the wife of Chunnilal and from the present applicant, the Mobile was seized which matched with the Mobile of Chunnilal and the victim Chunnilal also suffered the stab injury.

3. Learned counsel for the applicant submits that on the vague evidence, the applicant has been inculpated and no direct evidence is available against the applicant and he is in jail since 19.02.2016, therefore, he may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and statement of Chunnilal. Considering the fact that the Mobile is one and the same which was recovered from the applicant and the Mangalsutra also was identified by the wife of Chunnilal and further considering the fact that the victim was assaulted and he received stab injury, I am not inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is rejected.

Sd/-
(Goutam Bhaduri)
Judge