

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3658 of 2016

- Satish Das S/O Prakash Das Mahant Aged About 20 Years Occupation Labourer, R/O Behind The Jutemill, Police Station City Kotwali, Raigarh, Tahsil & District Raigarh, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Kotwali, O.P. Jutmill, District Raigarh, Chhattisgarh.

---- Respondent

For Applicant : Mr. Ashish Gupta, , Advocate

For Respondent/State : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

25.07.2016

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 on 28-5-2016 in connection with Crime No. 318 of 2016, registered at Police Station Kotwali, O.P. Jutmill, District Raigarh (CG) for the offence punishable under Section 394/34 of the IPC.
2. As per prosecution case, a report was made by the complainant that when he was returning to his house at night, on the way applicant along with other co-accused persons stopped him and thereafter looted laptop, ATM card and some cash from him and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that there is some dispute between the applicant and the complainant, therefore, a false report has been made against the applicant. He would further submit that the applicant has been falsely implicated

in this case, charge-sheet has been filed in this case, he is in jail since 28-5-2016 and no further investigation is required, therefore, he may be released on bail.

4. On the other hand, learned State counsel opposing the prayer for grant of bail would submit that recovery of looted articles has been made from the applicant, therefore, he is not entitled to be released on bail.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Perused the statement of the victim which would show that the applicant along with other co-accused looted laptop, ATM card and cash from him.
7. Taking into consideration the facts and circumstances of the case, nature and gravity of the offence, the manner in which the offence was committed and considering the statement of the victim and recovery of the looted articles has been made from the applicant and the evidence collected by the prosecution against the applicant, I am not inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is liable to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Raju