

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 4545 of 2016

1. Khalid Sheikh, W/o. Muzaffar Ali, aged about 22 years, R/o. Bali Pada, P.S. - Ziya Nagar District Piraspur, Bangladesh. Presently resided at Salam No.865, Okhla Mandi, P.S. - Amar Colony Delhi.

----Applicant

Versus

1. State of Chhattisgarh, Through : Police Station – City Kotwali, Tahsil-Raigarh, District – Raigarh (C.G.)

---- Respondent

For Applicant : Mr. Rajesh Ranjan Sinha, Advocate

For Respondent/State : Mr. Anupam Dubey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

17/08/2016

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.418/2015, registered at Police Station – City Kotwali Raigarh, District- Raigarh (C.G.) for the offence punishable under Section 395 Indian Penal Code.
2. Case of the prosecution, in brief, is that in the intervening night of 19-20/05/2016, the applicant along with other co-accused persons entered into the house of Balkishan Kedia at Raigarh thereafter assaulted him and looted cash and ornaments worth Rs.15.00 lakhs. Thereafter they fled away. Subsequently, the applicant was arrested and on his memorandum cash was recovered and one T.

shirt, which was taken away from the house of the complainant was recovered.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and he was arrested from Nijamuddin railway station and no evidence is available against the applicant. It is further submitted that charge-sheet in this case has been filed and the applicant is in jail since 29.05.2015, therefore, the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary, documents and statements. Considering the document as also the memorandum, on the memorandum of the applicant, cash and garments were recovered which were looted from the complainant. Taking into the evidence available against the applicant and further taking into the fact that the applicant belonged to the Bangladesh, if he is enlarged on bail, fleeing from the country can not be ruled out. Taking into such fact, I am not inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge