

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 4238 of 2016

1. Rakesh Singh, S/o. Late Madheshwar Singh, aged about 36 years, R/o. Camp-1, Saksharta Chowk, Police Station – Chhawani, Bhilai, District – Durg (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : S.H.O., P.S. Bhilai Bhatthi, District Durg (C.G.)

---- Respondent

For Applicant	: Mr. B.P. Singh, Advocate
For Respondent/State	: Mr. Anupam Dubey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

02/08/2016

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.18/2016, registered at Police Station – Bhilai Bhatthi, District- Durg (C.G.) for the offence punishable under Section 392, 120-B, 395, 397 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 31.01.2016, one Virendra Jain, who is the jewelery shop owner was coming back after closing his shop and the applicant along with other co-accused persons intercepted and looted away the bag and in the bag certain keys and other documents were there instead of jewelery.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. It is further submitted that identification parade was carried out but the applicant was not identified and the recovery was of motor cycle and mobile was made, which was of the applicant. 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 and documents. Charge-sheet in this case has been filed. Perusal of the document would show that on the memorandum of the applicant, one motor cycle was seized. Considering the memorandum statement and further the recovery made from the other co-accused in respect of looted items which were identified by the complainant which completes the chain and taking into the circumstances of case and seizure made, 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