

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5837 of 2016

1. Jitendar Das, S/o. Shri Sadanand Das, aged about 20 years, R/o. Village-Mangari, Junapara, P.S. -Seetapur, District – Sarguja (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer of the Police Station – Chhal, District – Raigarh (C.G.)

---- Respondent

For Applicant : Mr. Abhisek Saraf, Advocate

For Respondent/State : Mr. Anupam Dubey, Dy.Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri
Order On Board

27/09/2016

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.119/2013, registered at Police Station – Chhal, District – Raigarh (C.G.) for the offence punishable under Section 395, 411, 419, 420, 458 of the Indian Penal Code.
2. As per prosecution case, in brief is that on 25.09.2013 the present applicant along with other co-accused committed robbery in the house of Santoram and looted ornaments and cash worth Rs.16,000/-. Thereby the offence has been committed.
3. Learned counsel for the applicant submits that the complainant, Santoram has been examined before the Court and he had disowned the identity of the present applicant, therefore, the counsel submits that the applicant has been falsely implicated in

this case, 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 statement of the complainant, Santoram. Along with the statement of Santoram, complainant statement of one Bhagirathi Khande, Naib Tahsildar is also on record, wherein he has stated that the present applicant was identified by Santoram and stated that he entered into the house of the complainant. Taking into such different statement, it would be for the trial Court to appreciate that evidence and giving any finding at this stage by this Court would amount to adjudicating the trial and appreciation of entire evidence. Taking into such facts, 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