

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5791 of 2016

- Jitendra Das Mahant @ Jintendar Das S/o Shri Sadanand Das Mahant, Aged About 19 Years R/o Village- Mangari, Junapara, P.S. Seetapur, District Sarguja, Chhattisgarh --- **Petitioner**

Versus

- State of Chhattisgarh through Station House Officer of the P.S. Dharamjaigarh, District Raigarh, Chhattisgarh --- **Respondent**

For the applicant	:	Mr. Abhishek Saraf, Advocate
For the Respondent	:	Mr. Anupam Dubey, Dy.Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

27.09.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 236 of 2013 registered at P.S. Dharamjaigarh, Distt. Raigarh (C.G) for the offence punishable under Sections 395 & 120(B) of IPC.
2. As per the prosecution case, a report was lodged by the complainant that in the night of 05.10.2013, the applicant along-with other co-accused committed dacoity in the house of Vriksh Ram and thereafter looted some gold ornaments and fled away.
3. Learned counsel for the applicant submits that the applicants have not been identified by Vriksh Ram and he was examined before the Court. He further submits that even the seizure witness Bhagirath (P.W.4) has not supported the case of prosecution, therefore, the applicant has been falsely implicated.
4. On the other hand, learned State Counsel opposes the bail.
5. Perused the statement of Vriksh Ram wherein he denied to

have identified the present applicant. His wife Sampatti Bai has also been examined and she has not supported the case of prosecution.

6. Taking into such facts situation of the case more particularly the fact that the charge sheet in this case has been filed; no further investigation is necessary and further looking to the detention period of the applicant as he is stated to be in jail since 14.10.2013, I am inclined to release the applicant on bail.
7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE