

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7545 of 2015

1. Betab @ Belab Pawar, Rajkumar Pawar, aged about 24 years,
2. Ranjit Pawar @ Vijay, S/o. Raj Kumar, aged about 19 years,
Both R/o. Borkhedi, P.S. Buttibori, District – Nagpur (Maharashtra)

----Applicants

Versus

1. State of Chhattisgarh, Through : District Magistrate Rajnandgaon (C.G.), Chowki Incharge Chichola, P.S. Chhuriya, District – Rajnandgaon (C.G.)

---- Respondent

For Applicants : Mr. Arvind Dubey, Advocate

For Respondent/State : Mr. Sangharsh Pandey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

14/01/2016

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 applicants who have been arrested in connection with Crime No.99/2015, registered at Police Station – Out Post Chichola, P.S. Chhuriya, District – Rajnandgaon (C.G.) for the offence punishable under Section 394, 395, 397, 427 of I.P.C. & Section 25, 27 of the Arms Act.
2. Case of the prosecution, in brief, is that the applicants have been apprehended for involvement in commission of loot on 21.06.2015. The complainant who was travelling in his Scorpio alongwith his family members were taking rest in the side of the road at that time, the applicant alongwith other co-accused broke open the glass of the vehicle and thereafter, looted amount of Rs.20,000/- and gold ornaments. Subsequently, the applicants were arrested and the applicants were identified in the jail as also one of the looted article,

which was seized was identified.

3. Learned counsel for the applicants would submit that the applicants have been falsely implicated in this case. He would further submit that no recovery has been made and only the currency and one knife has been recovered from the Betab and one ring was recovered from Ranjit as the said articles are available in the open market. He would further submit that the applicants are in jail since 27.07.2015 and the charge-sheet in this case has been filed, therefore, the counsel prays that the applicants may be enlarged on bail.
4. On the other hand, learned counsel for the State vehemently opposes the bail application and would submit that the applicants in persons were identified as also the ring, which was looted was identified, therefore, he prays that the applicants may not be enlarged on bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Considering the fact that the applicants have been identified, I do not find it proper to enlarge the applicants on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge