

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7666 of 2015

- Raju Nat S/o Mohanlal Nat Aged About 25 Years R/o Village - Jhagadpur, Thana & Tahsil - Patthalgaon, Civil & Revenue Distt. Jashpur Chhattisgarh
 - Bhog Singh S/o Tirthoram Aged About 28 Years R/o Village - Gala, Thana & Tahsil - Patthalgaon, Civil & Revenue Distt. Jashpur Chhattisgarh
- **Petitioners**

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Kapu, Distt. Raigarh Chhattisgarh
- **Respondent**

For the applicant	:	Mr. Sunil Sahu, Advocate.
For the Respondent	:	Mr. Anupam Dubey, Dy.Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

14.01.2016

1. This is an application filed u/s 439 of the Code of Criminal Procedure seeking granting of regular bail to the applicant in connection with Crime No. 149/2014 registered at Police Station Kapu, Distt. Raigarh (C.G) for the offences punishable under Sections 458, 170, 142, 395, 398, 120-B of IPC and Sections 25 & 27 of the Arms Act.
2. As per the prosecution case, on 07.12.2015 the applicant alongwith co-accused entered into the house of Budhram and pretended that they are Police Officers and on that pretext, they committed dacoity. Subsequently, the report was filed and on investigation the applicant has been arrested.
3. Learned counsel for the applicant submits that the applicant is arrested only on the basis of memorandum of co-accused and he has been falsely implicated in this case and has not committed any offence. He further submits that the applicant is in jail 09.04.2015. He submits that only on presumption, the applicant has been arrested and the other similarly placed co-accused has been enlarged on bail,

therefore, on the ground of parity, the present applicant may be enlarged on bail.

4. Per contra, learned State Counsel opposes the prayer for grant of bail.
5. Perused the case diary as well as the copy of the order dated 26.11.2015 passed in M.Cr.C.No.6291/2015 wherein this Court has granted bail to accused Dhanaram Rawat on the ground that he was not identified, but these applicants of present case have been identified.
6. Considering the evidence collected against these applicants, I am not inclined to release the applicants on bail. Accordingly, the bail application is rejected.

**Sd/-
GOUTAM BHADURI
JUDGE**