

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.638 of 2016

Sandeep Vaishnav, S/o Shri Mohandas, aged about 28 years, R/o Dabrapara, Ganesh Chowk, Bhilai-3, Police Station Bhilai, Distt. Durg, Civil and Revenue Distt. Durg (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through Police Station Sejbahar, Distt. Raipur (C.G.)

---- Non-applicant

For Applicant:	Mr. Ajay Mishra, Advocate.
For Non-applicant:	Mr. Avinash Singh, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

18/02/2016

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.149/2015, registered at Police Station Sejbahar, Distt. Raipur, for the offence punishable under Sections 457, 427 and 511 read with Section 34 of the IPC.
2. Case of the prosecution, in brief, is that on 23-12-2015, the applicant and three other co-accused persons damaged the ATM and thereby committed the offence.
3. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the case, he had gone there to withdraw money from the ATM, he is in jail since 24-12-2015 and therefore, he be released on bail.
4. On the other hand, learned State counsel opposes the application and submits that the applicant has been identified in test

identification parade and in the CCTV footage also, the applicant has been identified.

5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, role of the applicant and the manner in which ATM is said to have been damaged in order to commit the offence of theft, I am of the view that it is not a fit case to enlarge the applicant on regular bail. The application is, therefore, rejected.

Sd/-
(Sanjay K. Agrawal)
Judge

Soma