

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.1245 of 2016**

Tirath Singh S/o Shri Tara Singh, aged about 39 years, R/o Tatibandh Basti, Police Station : Aamanaka, Tahsil & District : Raipur (CG)

---Applicant

Versus

State of Chhattisgarh, Through : Station House Officer, Police Station : Arang, District : Raipur (CG)

---Non-applicant

For Applicant	:	Mr. Fouzia Mirza & Mr.C.K.Sahu, Advocates
For Non-applicant	:	Mr. Ajit Singh, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

14/03/2016

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.332/2015, registered at Police Station-Arang, District-Raipur (CG), for the offence punishable under Sections 307 and 394/34 of the IPC.

2. Case of the prosecution, in brief, is that the applicant and other two co-accused persons robbed the truck of complainant Keshav Prasad and thereby committed the offence.

3. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has falsely been implicated in crime in question. He would further submit that the present applicant has not been identified in identification parade, whereas other two co-accused persons have been identified and they are involved in the

robbery. The present applicant is nowhere connected in crime in question and offence under Sections 307 and 394 of the IPC is not made against him. Therefore, he may be released on bail.

4. On the other hand, learned counsel for the State would oppose the bail application and submit that the present applicant was leading the robbery and motor-cycle used in robbery has been recovered from his possession.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts & circumstances of the case, nature & gravity of the offence, role of the present applicant, the manner in which the robbery has been committed and considering the fact that in broad-day light, truck in question has been looted, I do not find any ground for grant of regular bail to the applicant. Consequently, bail application is rejected.

7. Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-