

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4101 of 2016

- Janak Ram S/O Sukhdev Rami Aged About 30 Years Caste - Rautiya, R/O Village - Shritoli Dhumadand, Police Station - Kunkuri, District - Jashpur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through : Station House Officer, Police Station - Kunkuri, District - Jashpur Chhattisgarh

---- Respondent

For Applicant : Mr. J.K. Saxena, Advocate

For Respondent/State : Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

02-08-2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 9-10-2015 in connection with Crime No. 139 of 2012, registered at Police Station Kunkuri, District Jashpur (CG) for the offence punishable under Sections 457, 392, 398 of the IPC and Section 25 (1-B) B of Arms Act.
2. Case of the prosecution, in brief, is that on 7-7-2012 when the complainant Sadhram and his wife Sumati Bai were sleeping in their house, at that time the applicant along with other co-accused persons entered into the house while two persons were guarding outside, other two persons armed with sword entered the house and after threatening them looted Rs.17000/- from complainant Sadhram and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the the applicant has been falsely implicated in the case, no evidence

is available against the applicant and identification has also not been carried out. He would further submit that the applicant is in jail since 9-10-2015, therefore, the applicant may be enlarged on bail.

4. On the other hand, learned State counsel opposing the prayer for grant of bail would submit that the applicant was absconding, complainant Sadharam who lodged report died and his wife Sumati Bai, who is present at the time of incident, has to be examined in this case, therefore, no identification could be carried out.
5. I have heard learned counsel for the parties and have also perused the case diary and documents which would show that the statement of Sumati Bai, wife of the complainant Sadharam, who was present at the time of incident is yet to be recorded.
6. Taking into consideration the facts and circumstances of the case, nature and gravity of the offence and considering the fact that the applicant was absconding as also the fact that statement of Sumati Bai, who was present at the time of incident, is yet to be recorded, I am not inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is liable to be and is hereby dismissed.

Sd/-

(Goutam Bhaduri)
Judge

Raju