

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 405 of 2016**

- Bhushan, S/o Nemu Sahu, aged about 19 years, R/o Village Gokul Nagar, Raipur, Tahsil and District Raipur (C.G.)

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station City Kotwali, Mahasamund, District Mahasamund (C.G.)

---- Non-applicant

For Applicant: Mr. P.K. Patel, Advocate.
 For Non-applicant/State: Mr. Dhiraj Kumar Wankhede, GA

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****02/02/2016**

Heard.

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No.361/2015 registered at Police Station City Kotwali, Mahasamund, District Mahasamund for the offence punishable under Section 392/34 of the Indian Penal Code.

(2) Case of the prosecution in brief is that on 24.08.2015 applicant and other co-accused persons robbed one mobile phone and gold & silver ornaments from complainant Trilok Pratap Singh and thereby committed the aforesaid offence.

(3) Counsel for the applicant submits that applicant has not committed any offence and he has been falsely implicated in the offence in question. He further submits that applicant is in jail since 20.10.2015; charge sheet has already been filed and no useful purpose would be served in detaining him in jail and, therefore, he may be released on bail.

(4) On the other hand, counsel for the State submits that one cell phone of the complainant has been seized from the possession of the present applicant and, therefore, he is not entitled to be released on bail.

(5) Taking into consideration the facts & circumstances of the case; looking to the nature & gravity of the offence; and the seizure of robbed articles from the present applicant and the manner in which offence is said to have been committed, I am not inclined to release the applicant on bail. Thus, the bail application is rejected.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-