

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 2049 OF 2016**

Ashok alias Bablu Sahu son of Shri Sunder Lal aged about 50 years resident of Purana Bazar Mogradafai Ward No.18 Dallirajhara Police Station Dallirajhara District Balod C.G. Civil and Revenue District Kanker (C.G.)

---Applicant**Versus**

State of Chhattisgarh, Through the Police Station Antagarh District Kanker (C.G.)

---Non-applicant

For Applicant	:	Mr. Sandeep Shrivastava, Advocate
For-Non-applicant	:	Mr. Ajit Singh, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****20/04/2016**

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. 70/2015, registered at Police Station Antagarh, District Kanker (C.G.), for the offence

punishable under Sections 394, 120B of the I.P.C.

2. Case of the prosecution, in brief, is that, on 21/12/2015 applicant and other co-accused person are said to have committed dacoity and looted Rs.42,000/- and mobile phone of the complainant.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in the case. He would further submit that there is no memorandum at all in the eyes of law and no recovery has been made from the present applicant. He would lastly submit that charge sheet has been filed and applicant is in jail since 15/01/2016, therefore, he may be released on bail.

4. On the other hand, learned State counsel would oppose the prayer for grant of bail and submit that applicant claiming himself to be naxallite, looted the property held by complainant.

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

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; role of the applicant and the manner in which dacoity is said to have committed by the applicant along with other co-accused person, this Court is not inclined to release the applicant on regular bail.

7. Accordingly, bail application filed under Section 439 of the Cr.P.C. is rejected.

8. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge