

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3846 of 2016

Om Kumar S/o Lalji, Aged About 22 Years, R/o Sonthi, Police
Station Bamhnidih, Civil And Rev. District Janjgir Champa
Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The District Magistrate, Janjgir
Champa, District Janjgir Champa Chhattisgarh.

---- Respondent

For applicant - Shri Govind Dewangan, Advocate.
For Respondent/State – Shri Vinod Tekam, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

20/07/2016

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.23/2016 (wrongly mentioned as 23/2015) registered in Police Station Bamhnidih, District Janjgir-Champa (C.G.) for offence punishable under sections 394, 34 of the Indian Penal Code.
2. As per the prosecution case, on 3/05/2016 complaint was made by Chandrashekhar that after collecting amount on behalf of Annapurna Micro Finance Pvt. Ltd. wherein he was working as a Development Officer an amount of Rs.1,17,007/- was being carried in a bag and on the road applicant along with co-accused threw chilli powder in the eyes and had looted the amount. Thereby, offence has been committed.
3. Learned counsel for the applicant submits that the applicant has been arrested on the memorandum of Mukesh Kumar other co-accused from whom Rs.1,03,830/- was recovered and Mukesh Kumar has been enlarged on bail by the trial court in bail petition No.489/2016 on

14/07/2016, therefore the case of the applicant is better than that of the co-accused, therefore the applicant may be released on bail.

4. Learned State counsel opposes the prayer for grant of bail and would submit that irrespective of the bail granted to the other co-accused at the instance of this applicant bag was recovered which belong to the complainant and the amount of Rs.10,000/- was recovered further.

5. Perused the case diary and the documents. Perusal of the documents would show that both the accused were identified and at the instance of this applicant bag was recovered which belong to the complainant. Considering the identification and the recovery made, I am not influenced by the order of the trial court passed in bail petition No.489/2016 on 14/07/2016 as against evidence available in the case. Therefore, this court is not inclined to release the applicant on bail.

6. Accordingly, the bail application is dismissed.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

JUDGE