

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3882 of 2016

Neeraj Murthi S/o Shir Rajmurthi, Aged About 25 Years, R/o Mandi Gate, Pandri Talab, Infront Of Sheetla Mandir, Pandri, Raipur, District Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Thru Station House Officer, Police Station Talibandha, Raipur, District Raipur, Chhattisgarh.

---- Respondent

For applicant - Shri Rahul Tamaskar, Advocate.
For Respondent/State – Shri Anupam Dubey, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

3/08/2016

1. This is third bail application under Section 439 of Cr.P.C. The first bail application was dismissed on 25/04/2016 and the second bail application was dismissed for want of prosecution on 23/06/2016.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.350/2015 registered in Police Station Talibandha, Raipur, District-Raipur (C.G.) for offence punishable under sections 394, 34 of I.P.C.
3. As per the prosecution case, applicant alongwith co-accused committed an act of robbery on 30/09/2015 and therefore FIR was lodged by the complainant/victim Ankit in the Police Station Telibandha, Raipur, District Raipur (C.G.)
4. Learned counsel for the applicant submits that after dismissal of the bail on 25/04/2016 on merits, considering gravity of the case, complainant Ankit Dubey has been examined on 16/05/2016 and eye witnesses namely Ajit Shukla and Bhuneshvar Dwivedi have been examined on

30/05/2016, they have not supported the case of the prosecution and on that basis one of the co-accused has been enlarged on bail. Learned counsel submits that applicant is in jail since 8/03/2016 for about five months and witnesses have not supported the case of the prosecution, therefore the applicant may be released on bail.

5. Learned State counsel is not able to dispute the fact that complainant Ankit Dubey and two eye witnesses namely Ajit Shukla and Bhuneshvar Dwivedi have been examined and they have turned hostile.

6. Considering the fact that complainant and eye witnesses have not supported the case of the prosecution, without further observation on merits, this court is inclined to release the applicant on bail.

7. Accordingly, the bail application is allowed and it is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

JUDGE