

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4425 of 2016

- Shatrughna Pandey @ Bablu @ Ajay Pandey S/o Biran Bali Pandey Aged About 38 Years R/o Benipur Pali, P.S. Mau, District Chitrakut, Uttar Pradesh, At Present R/o Beni House, Near Gaurav Garden, Mandi Bali, District West Mumbai, Maharashtra. --- **Petitioner**

Versus

- State of Chhattisgarh Through Station House Officer, P.S. Pandri Mova, District Raipur, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Atanu Ghosh, Advocate
For the Respondent	:	Mr. Neeraj Sharma, Dy.Govt.Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

09.08.2016

1. This is second bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 54/2015 registered at P.S. Pandri Mova, Distt. Raipur (C.G) for the offence punishable under Sections 392, 120-B of IPC and section 25, 27 of the Arms Act, 1925. The first bail application was dismissed on 19.01.2016
2. As per the prosecution case, on 26.02.2015 at about 1.45 pm, the applicant along-with other co-accused persons committed robbery and looted an amount of Rs.12,77,000/- from Satyanarayan Moorthi, who was working as O.S.D., to the Director, Narayana Hospital, Raipur.
3. Learned counsel for the applicant submits that after dismissal of the bail petition, witness Santosh Tripathi and the seizure witness Akash Ingole, Suryanarayana Murthy the complainant and Seemank Shrivastava have been examined and they have not supported the case of prosecution,

therefore, no evidence is existing against the applicant to connect him with the crime. He further submits that the applicant is in jail since 22.03.2015, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail. However, he do not dispute the fact that seizure witnesses Seemank Shrivastava and Akash Ingole have been examined and they have not supported the case of prosecution.
5. Perused the statements of witnesses which are placed on record. A perusal of the statements would show that Suryanarayana the complainant from whom the amount has been looted has not identified the complainant whereas the other seizure witnesses Akash ingole and Seemank Shrivastava have not supported the case of prosecution. Taking into such facts and the totality of the circumstances, without making any further observation, I am inclined to allow this bail application at this stage.
6. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE