

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4460 of 2016

Betab @ Belab Pawar, S/o. Rajkumar Pawar, Aged About 24 Years, R/o. Borkhedi, P.S. Buttibori, District Nagpur (Maharashtra).

---- Applicant

Versus

State Of Chhattisgarh, Through the District Magistrate Rajnandgaon, Chhattisgarh, Chowki Incharge Chichola, P.S. Chhuriya, District Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant : Mr. C.K.Kesharwani, Advocate

For Respondent : Ms. Shobha Kashyap, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

16.08.2016

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.99/2015 registered at Police Station- Chhuriya, District Rajnandgaon (C.G.) for the offence punishable under Section 394, 395, 397, 427 of Indian Penal Code and Section 25 & 27 of Arms Act. The first bail application was dismissed on merit on 14.01.2016 in M.C.R.C. No.7545 of 2015.
2. Case of the prosecution, in brief, is that the complainant who was traveling in his Scorpio alongwith his family members were taking rest in the side of the road, at that time, the applicant alongwith other co-accused broke open the glass of the vehicle and thereafter looted an amount of Rs.20,000/- and gold ornaments. Subsequently, the applicants were arrested and the applicants were identified in the jail as also one of the looted article, which was seized was identified.

3. Learned counsel for the applicant would submit that out of 17 witnesses only 8 witnesses have been examined and the trial will take time and the applicant is in jail since 27.07.2015, therefore, he may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the documents as also the statement of R.S.Jaiswal wherein positive allegations have been attributed against this applicant about the commission of crime. Considering the such statement and the nature of offence, I do not find any change of circumstances to entertain this second bail application.
6. Accordingly, the instant bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge