

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 4796 of 2016

1. Rajesh Sahu, S/o. Ramayan Sahu, aged about 20 years, R/o. Village-Guma, Post Tendua, Tahsil – Urla, District – Raipur (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Police Station – Kumhari, District – Durg (C.G.)

---- Respondent

For Applicant	: Mr. Vivek Sharma, Advocate
For Respondent/State	: Mr. Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

23/08/2016

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.125/2016, registered at Police Station – Kumhari, District- Durg (C.G.) for the offence punishable under Section 394/34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 02.05.2016 a report was made by the Saitana Ram alleging that four persons came in two motor cycles and committed loot of Rs.13,000/- and one of the motor cycle is bearing No.CG-04-HS-2098. Subsequently, the applicant and other accused persons are apprehended and on memorandum of the applicant motor cycle was seized.

3. Learned counsel for the applicant submits that there is no identification parade was made in this case and only the currency has been recovered, therefore, the applicant can not be implicated only on the basis of the recovery of currency note, therefore, the counsel prays that, the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary, documents, statement and the memorandum. On the memorandum of this applicant, motor cycle bearing CG-04-HS-2098 was recovered from the house of the present applicant, which was named in the FIR. Considering such recovery, I am not inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge