

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7583 of 2015

1. Suraj @ Raja, S/o. Tighlu Sahu, age about 26 years, R/o. Station Para, Ward – 06, Chikhli, Rajnandgaon, District – Rajnandgaon (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Police Station Incharge, P.S. Pulgaon, District – Durg (C.G.)

---- Respondent

For Applicant	: Mr. Rudra Nath Mukharjee, Advocate
For Respondent/State	: Mr. Sangharsh Pandey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

13/01/2016

1. This is the second 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.89/2015, registered at Police Station – Pulgaon, District – Durg (C.G.) for the offence punishable under Section 394 of I.P.C. The first bail application was dismissed as withdrawn on 02.12.2015 with liberty to revive the same after examination of victim.
2. Case of the prosecution, in brief, is that on 22.02.2015, the victim Jaish Jain and his friend, Aman Jain were returning from Chatagarh to their home, four persons intercepted them and they were assaulted and loot was committed.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case. He would further submit that both the victim have been examined before the Court and they have only identified the accused, Sunil and this applicant has not been identified.

He would further submit that the applicant is in jail since 02.04.2015, 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 and perused the case diary.
6. I have perused the statement of the witnesses. Perusal of the statement of P.W.-1, Jaiseh Jain would show that this witness has proved the document Ex.P/3 and Ex.P/4, which are not placed on record. Considering such statement at this stage, it can not be assumed that the applicant has not been identified. Consequently I am not inclined to evaluate the entire evidence at this stage and 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