

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**M.CR.C. No. 5312 of 2016**

1. Digamber, S/o. Shyam Singh Rathia, aged about 18 years, Caste-Rathia, R/o. Village-Sakdukala, P.S. Balco Nagar, District – Korba (C.G.)

**----Applicant**

**Versus**

1. State of Chhattisgarh, Through : the District Magistrate, Korba (C.G.)

**---- Respondent**

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For Applicant : Mr. Basant Kaiwartya, Advocate

For Respondent/State : Ms. Sunita Jain, Panel Lawyer

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**Hon'ble Shri Justice Goutam Bhaduri**

**Order On Board**

**07/09/2016**

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.92/2016, registered at Police Station – Balco Nagar, District – Korba (C.G.) for the offence punishable under Section 294, 506-B, 323, 379, 394, 411, 34 of Indian Penal Code.
2. As per prosecution case, a report was made by Mohd. Asif on 29.03.2016 that while he was going on his motor cycle he was intercepted by three persons and he was assaulted and abused, therefore, he in order save ran into forest along with girl and during such procedure his mobile and purse fell down. Subsequently, the applicant and other co-accused were arrested and the purse and mobile were seized. Thereby the offence

has been committed.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and charge-sheet in this case has been filed. It is further submitted that similarly placed co-accused, Tribuwan has been enlarged on bail vide order dated 19.07.2016 in M.Cr.C. No.3808/2016. Therefore, counsel prays that the applicant may also be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application and submits that the present applicant was identified, whereas, the person to whom bail was granted was not identified.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary, charge-sheet and the documents. Considering the fact that the applicant was identified, the case of the applicant is different than that of the co-accused, who has been enlarged on bail. Taking into the degree of allegation leveled against the applicant, 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