

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5384 of 2016

- Amit Sharma S/o Prashant Sharma Aged About 21 Years R/o Shristhi Colony, Atal Aavash, Quarter No.-29, Tah. & District - Rajnandgaon (Chhattisgarh). --- **Petitioner**

Versus

- State of Chhattisgarh through P. S. - Basantpur, District - Rajnandgaon (Chhattisgarh). --- **Respondent**

For the applicant	:	Mr. Rakesh Thakur, Advocate
For the Respondent	:	Mr. Anupam Dubey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

15.09.2016

1. This is first 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. 258 of 2015 registered at P.S. Basantpur, Distt. Rajnandgaon (C.G) for the offence punishable under Sections 327/34 of IPC.
2. As per the prosecution case, in the night of 27.09.2015 at about 11 p.m., during immersion of Ganesh idol, complainant Deepak Kumar and Mithun Naik were intercepted by the applicant and other 3-4 persons and they were demanded money and when the money was refused to be paid, the complainant and his colleague were assaulted by way of knife for which a report was lodged and subsequently the applicant was arrested.
3. Learned counsel for the applicant would submit that initially the report was made against unknown persons and only on the statement of co-accused Ravi Soni, the applicant has been arrested. He further submits that no evidence is available against the applicant, therefore, he may be

enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the statements of Deepak Kumar and Mithun Naik wherein it is stated that the applicant along-with other co-accused have assaulted both the victims. The applicants were also identified in test identification parade.
6. Considering the facts and circumstances of the case and the evidence available, I am not inclined to allow this bail application. Accordingly, it is rejected.

Sd/-

**GOUTAM BHADURI
JUDGE**

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