

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5542 of 2016

1. Tikeshwar Nishad @ Chhotu, S/o. Rekhwa Nishad, aged about 19 years, R/o. Achholi, Police Station Urla, Raipur, Tahsil and District – Raipur (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Police Station, Urla, Raipur, District Raipur (C.G.)

---- Respondent

For Applicant	: Mr. P.K. Patel, Advocate
For Respondent/State	: Ms. Shobha Kashyap, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

20/09/2016

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.127/2016, registered at Police Station – Urla, District – Raipur (C.G.) for the offence punishable under Section 394 of Indian Penal Code.
2. As per prosecution case, a report was made by Ajit Kumar Singh alleging that on 03.06.2016 while he was taking rest in his trailer vehicle at that time one co-accused came and tried to take away chain and rod of the trailer, he was caught hold of thereafter four other co-accused came and assaulted and take away the mobile and purse of the complainant. Thereby the offence has been committed.

3. Learned counsel for the applicant submits that, the applicant has been falsely implicated in this case and no offence has been committed. It is further submitted that charge-sheet in this case has been filed and the applicant is in jail since 05.06.2016, 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 and statement as also the identification parade, the applicant was identified. Considering the fact, 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