

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5864 of 2016

Vikash Sonkar @ Kukku, S/o. Shankarlal Sonkar, Aged about 25 years,
R/o. Nai Basti, Ranjhi, Police Station Ranjhi, District Jabalpur (M.P.).

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station Ganj, District Raipur (C.G.).

---- Respondent

For Applicant : Ms. Kiran Jain, Advocate

For Respondent : Mr. Neeraj Sharma, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

28.09.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.257/2015 registered at Police Station- Ganj, District Raipur (C.G.) for the offence punishable under Section 393, 307, 397, 114, 120-B of Indian Penal Code and 25/27 of Arms Act.
2. As per the prosecution case, on 03.12.2015 when one Bharat Jethwa along-with others after withdrawing the money from the Punjab National Bank were going, at that time, the applicant along-with one other co-accused who has conspired to commit loot fired a bullet shot on Bharat Jethwa and snatched the bag of Rs.18 Lakhs and tried to fled away but due to the crowd, they were intercepted and were caught.
3. Learned counsel for the applicant would submit that Bharat Jethwa (PW-1) and Chhabilal Sahu (PW-2) who were going on the Motorcycle have been examined and they have not identified the present applicant and they have turned hostile. It is further

submitted that Hasif Quraishi (PW-3), Bhikham Ram Sahu (PW-4) and Akash Agrawal (PW-5) have also not stated anything which goes against the present applicant. She further submits that since PW-1 & PW-2 who are the victim have not supported the case of the prosecution, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary, documents and statements. According to the prosecution, the applicant along-with other co-accused has conspired to commit loot and during such loot bullet fire was made. The case diary also contains various call details which was made in between the applicant and other co-accused. Considering the evidence available, at this stage, it would not be proper for this Court to evaluate the entire case on merit and to give a finding, as any observation made lead to prejudice the right of either the prosecution or the defence. It is for the trial Court to evaluate the statement of the witnesses and come to a finding, even if, the witnesses have turned hostile. In view of this, I am not inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge