

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6426 of 2016

1. Bhupendra Sao, S/o. Santosh Sao, aged about 22 years, R/o. Mauhapali, Tahsil – Pusaur, District – Raigarh (C.G.). Presently Salihabhata, Tahsil – Tamnar, District – Raigarh (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, through: Station House Officer, Out Post – Jutmil, Police Station – Kotwali, District – Raigarh (C.G.)

---- Respondent

AND

M.CR.C. No. 6457 of 2016

1. Setkumar Sahu, S/o. Sukhiram Sahu, aged about 30 years, R/o. Village-Ektal Police Station Chakradhar Nagar, Raigarh, District – Raigarh (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, through: Station House Officer, Police of Police Station – City Kotwali, Raigarh, District – Raigarh (C.G.)

---- Respondent

For Applicants : Ms. Pritha Ghoshal, Advocate

For Respondent/State : Mr. U.K.S. Chandel, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri
Order On Board

09/11/2016

1. These are the first bail applications filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.1006/2015, registered at Police Station – City Kotwali, Out Post – Jutmil, Raigarh, District – Raigarh (C.G.) for the offence

punishable under Section 394, 395, 397 of Indian Penal Code.

2. As per prosecution case, on 17.12.2015 one Ravindra Nath after withdrawing the amount of Rs.6,20,000/- was coming. At that time the applicant along with other accused intercepted the complainant and looted the bag of Rs.6,20,000/-, thereby the offence has been committed.
3. Learned counsel for the applicants would submit that in this case seizure witnesses, Shankar Singh and Manas Karmakar have been examined and they have not supported the case of the prosecution and the complainant Ravindra Nath Yadav has also been examined and he has not specifically stated against the applicants and the test identification parade was not carried out in respect of these applicants, therefore, no evidence is existing against the present applicants. 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 and out submit that out of 22 prosecution witnesses, 13 witnesses have already been examined.
5. I have heard learned counsel appearing for the parties.
6. Perused the statement of Ravindra Nath Yadav (P.W.-11), wherein certain document has been exhibited i.e. Ex.P/21, which is a report and Ex.P/22 and identification parade Ex.P/23. Document of identification, Ex.P/23, is not before the Court and the applicant has proved the document Ex.P/21, which appears to be a report. Taking

into such facts and circumstances appreciating the statement at this stage will amount to decide the case on merits itself by usurping the trial. Further taking into the fact that bail of similarly placed co-accused, Subhash Panda has been dismissed by this Court vide order dated 14.07.2016 in M.Cr.C.No.3693/2016, I am not inclined to entertain the bail application to decide the case on merits.

7. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are dismissed.

Sd/-
(Goutam Bhaduri)
Judge