

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6447 of 2016

Akash Sahu, S/o. Late Nandlal Sahu, Aged About 19 Years, R/o. Ward No. 04, Surya Nagar, Gogaon, Raipur, Police Station Gudhiyari, District Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Of Police Station Berla, District Bemetara, Chhattisgarh.

---- Respondent

For Applicant : Mr. Ashish Beck, Advocate

For Respondent : Mr. Avinash K. Mishra, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

26.10.2016

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.94/2016 registered at Police Station- Berla, District Bemetara (C.G.) for the offence punishable under Section 394/34 of Indian Penal Code.
2. As per the prosecution case, on 22.04.2016 a report was made by Mohan Dhruv that when he was coming back to village Pirda, near Cooler Factory, Nevnara-Pirda road, the applicant along-with others assaulted him and thereafter took away his motorcycle, for which the report was made and the offence was registered and subsequently, the applicant was arrested and he was identified.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated and the other co-accused have committed the crime, who are juvenile and they have been enlarged on bail. He further submits that the charge sheet has been filed and the applicant is in jail since 25.06.2016, therefore, he may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the documents. Considering the facts and circumstances of the case and the fact that the applicant was identified, I am not inclined to release the applicant on bail, at this stage.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Ashok