

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6665 of 2016

- Vikas Kumar Singh S/o Pradip Kumar Singh Aged About 21 Years R/o Rasalpur, Post : Amba, Police Station Amba, District Aurangabad (Bihar), Presently R/o Krishna Chouck, Kharora, Police Station Kharora, District - Raipur Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through : Police Station - Arang, District Raipur Chhattisgarh

---- Respondent

For Applicant : Mr. J.K. Gupta, Advocate

For Respondent/State : Mr. Arvind 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 on 19-5-2016 in connection with Crime No. 193 of 2016, registered at Police Station Arag, District Raipur (CG) for the offence punishable under Sections 395, 397 of the IPC and Sections 25 & 27 of the Arms Act.
2. As per prosecution case, a report was made by the complainant Bhupendra Kumar Sahu that on 18-5-2016 at 8.45 pm applicant along with other co-accused persons intercepted him and threw chilly powder in his eyes and thereafter showing a revolver looted mobile and purse from him and fled away from the spot. Subsequently, one of the co-accused persons namely Dharmendra has been arrested and he named the present applicant in the first information report and thereafter the applicant has been arrested and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the case, there is no evidence

against the present applicant. He would further submit that he is in jail since 19-5-2016, charge-sheet in this case has been filed and no further investigation is necessary. He would further submit that the case of the present applicant is similar to that of other co-accused Ram Prasad @ Ram Dhiwar who has been enlarged on bail vide order dated 19-9-2016 passed by this Court in M.Cr.C.No. 5138 of 2016, therefore, the applicant may also be released on bail on the ground of parity.

4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Perused the first information report. Perusal of the first information report shows that the applicant was apprehended immediately after the incident and one more accused Dharmendra was also apprehended after incident and he was arrested and named other co-accused persons in the first information report. Considering the fact that the applicant was immediately arrested after the incident, the case of the present applicant would be different from the case of other co-accused Ram Prasad who was arrested and when disclosure statement was made by other co-accused, present applicant was arrested.
7. Taking into consideration all the facts and circumstances of the case and nature of allegations and gravity of the offence, this court is not inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is liable to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Raju