

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7321 of 2016

1. Virendra Gupta, S/o. Kamla Prasad Gupta, aged about 36 years, R/o. Rajkishore Nagar, Opp. Urja Park, Police Station – Sarkanda, Civil and Revenue District – Bilaspur (C.G.)
2. Dharmendra @ Golu, S/o. Hridey Lal Soni, aged about 35 years, R/o. Naya Talab Raipur, Civil and Revenue District – Raipur (C.G.)

----Applicants

Versus

1. State of Chhattisgarh, through: Station House Officer, Police Station : Sarkanda, District – Bilaspur (C.G.)

---- Respondent

For Applicants	: Mr. Dharmesh Shrivastava, Advocate
For Respondent/State	: Mr. U.K.S. Chandel, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri
Order On Board

23/11/2016

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 applicants who have been arrested in connection with Crime No.482/2016, registered at Police Station – Sarkanda, District – Bilaspur (C.G.) for the offence punishable under Section 392, 411, 34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 24.07.2016, complainant Usha Dubey while was taking morning walk at that time, the applicant snatched the gold chain worth Rs.45,000/- and fled away. Subsequently, the applicants were arrested and on memorandum of the applicants stolen motor cycle as also part of chain was recovered. Thereby the offence has been committed.

3. Learned counsel for the applicants would submit that the applicants have been falsely implicated in this case and there is no evidence against the applicants. It is further submitted that the applicant Virendra has been inculpated only on the basis of memorandum of Dharmendra and Dharmendra has been identified in jail, which is not admissible. It is further submitted charge-sheet has been filed and the applicants are in jail since 09.08.2016 and 16.08.2016. Therefore, the counsel prays that the applicants 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 case diary, documents and the statement of the victim. Considering the nature of evidence available against the applicants and further taking into the fact that from the possession of the Virendra, a motor cycle was seized which was is also found to be stolen. Taking into the totality of the case, I am not inclined to release the applicants on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge