

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7419 of 2016

- Vikram Maravi S/o Nain Sai Aged About 44 Years Caste Gond, R/o Devari, Dumarpara, Police Station & Tahsil Batauli, District Surguja, Chhattisgarh.

---- **Petitioner**

Versus

- State Of Chhattisgarh Through Station House Officer, Police Chowki Hardi Bazar, Police Station Kusmunda, District Korba, Chhattisgarh.

---- **Respondent**

For the applicant : Mr. B.L. Bharadwaj, Advocate.
For the Respondent : Mrs. Sunita Jain, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

24-11-2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 76/2016 registered at Police Chowki Hardi Bazar, PS Kusmunda, District Korba (C.G) for the offence punishable under Sections 457, 380, 411/34 of the IPC.
2. As per the prosecution case, in the intervening night of 29th & 30-5-2016 theft took place in the house of complainant Anwar Ali whereby gold ornaments, silver ornaments and other articles worth Rs.2,00,000/- were stolen. Subsequently, it was revealed that the present applicant along with other co-accused person has committed the offence and from the present applicant cash Rs.2,000/- was recovered and the applicant was arrested.

3. Learned counsel for the applicant would submit that the applicant has been falsely implicated, there is no evidence to show that the applicant has committed the offence. He would further submit that that the charge sheet has been filed, applicant is in jail since 25-6.2016 and no further investigation is necessary, therefore, he may be enlarged on bail.
4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary and the documents annexed to the bail application which would show that as many as four witnesses have already been examined including the complainant and the incident is of the year 2016, therefore, at this stage, I do not find any reason to adjudicate the matter for consideration of bail by evaluating the statements of witnesses as it would amount to usurping the power of trial Court. In view of this I am not inclined to allow this bail application.
6. Accordingly, the bail application is liable to be and is hereby rejected.

Sd/-

(GOUTAM BHADURI)

Judge

Raju