

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7475 of 2016

1. Lakhi Das, S/o. Chandramani Das, aged about 25 years, R/o. Village-Boden (Bazarpara), Police Station & Post Office- Boden (Bazarpara), District – Nuapada (Orissa).

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police Station – Amlipadar, District – Gariyaband (C.G.)

---- Respondent

For Applicant : Mr. Shivendu Pandya, Advocate

For Respondent/State : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

01/12/2016

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 applicant who has been arrested in connection with Crime No.12/2014, registered at Police Station – Amlipadar, District – Gariyaband (C.G.) for the offence punishable under Section 458, 397/34 & 412 of I.P.C. and Section 25/27 of Arms Act.
2. As per prosecution case, on 30.04.2014, the complainant Pawan Awasthi while was in his room, at that time, the applicant along with other co-accused entered into the house of the complainant and thereafter assaulted him on the point of knife and looted the gold ornaments and cash, total worth Rs.2,09,000/- approximately. Thereby the offence has been committed.
3. Learned counsel for the applicant would submit that the victim/complainant Pawan Awasthi has been examined before the

Court and he has not identified the present applicant and the present has only been inculpated on the memorandum and only one mobile and cash has been seized and the applicant has not been identified, 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 would submit that the applicant was arrested on memorandum of Hemsagar, co-accused while he was interrogated in other case.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary, document and statement of Pawan Awasthi and the report. It is alleged that the present applicant entered into the house of Pawan Awasthi, wherein other house inmates were also there including the mother of Pawan Awasthi. It appears that mother of Pawan Awasthi is still to be examined, therefore, grant of bail at this stage will amount to decide the trial itself. Taking into such fact, this Court is of the opinion that present is not a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge