NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7949 of 2016

- Gorge Binjubell S/o Grackson Jubel, Aged About 30 Years R/o Village- Modegaon Isaipara Near Luthran Church, Police Station Kondala, Revenue And Civil District- Navrangpur (Odisha)

---- Petitioner

Versus

- State Of Chhattisgarh Through- The Police Station Bodhghat, District- Bastar Chhattisgarh.

---- Respondent

For Applicants : Mr. P.K. Tulsyan, Advocate

For Respondent/State : Mrs. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

13-12-2016

1. This is first bail application filed undser Section 439 of the Cr.P.C., for grant of regular bail to the applicant who has been arrested on 28-10-2016 in connection with Crime No. 273 of 2016 registered at Police Station Bodhghat, District Bastar (CG) for the offence punishable under Section 392 of the IPC.

2. Case of the prosecution, in brief, is that a report was made by the complainant Smt. Janki Baghel that when she was going on the road, at that time present applicant came on his motor-cycle and snatched golden chain from her neck. When the applicant tried to flee away, he was caught hold and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that infact the applicant met with an accident with the victim and in that incident

the chain of the victim was broken and false allegations have been attributed to the present applicant and the medical report does not support as no injury is found on the neck of the victim. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 28-10-2016 and no further investigation is necessary, therefore he may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail application.

5. I have heard learned counsel for the parties, perused the case diary and documents.

6. Perused the medical report and also the statement of the victim wherein direct allegations have been attributed to the applicant.

7. Taking into consideration all the facts and circumstnces of the case, nature of allegations leveled against the applicant and further considering the medical report and the statement of victim, I am not inclined to release the applicant on bail.

8. Accordingly, the application filed under Section 439 of the Cr.P.C., is liable to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Raju