

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C. No. 5849 of 2017

Shravan Thakur @ Sonu, aged 21 years, wrongly mention as Shravan Kumar S/o Shri Dharam Singh, by caste Gound, R/o village Lahroud, P.S.Pithora, Tahsil & District Mahasamund (C.G.).

--- Applicant

Versus

State Of Chhattisgarh Through the Police Station Pithora, District Mahasamund (C.G.).

---Non-applicant

For Applicant	:	Shri Jameel Akhtar Lohani, Advocate.
For Respondent/State	:	Ms.M.Asha, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

27/11/2017

1. The applicant has preferred this bail application under Section 439 of Cr.P.C. in connection with Crime No.105/2017 registered at Police Station Pithora, District Mahasamund (C.G.) for the offence punishable under Section 398 of I.P.C.
2. Present applicant is in jail since 30/05/2017.
3. The allegation against the present applicant as per the prosecution case is that, the present applicant in company of the other accused persons is said to have gone to the house of the complainant-Ritu Agarwal on 30/05/2017 at mid-night and forcefully entered into the house of the complainant and assaulted her with an intention of committing theft or robbery.
4. Later on because of the scuffle between the parties, the mask which the two persons namely Lochan and Mannulal were wearing got removed and they could be identified and by the voice of Ramsingh, he could be

identified. All the three were the employees working in the complainant's shop.

5. Likewise, when the complainant further looked down from the house, she saw that the present applicant in company with one Shiva standing at the door of the complainant's house.

6. The counsel for the applicant submits that, there is no proof that the present incident was committed by the present applicant in connection of the offence and that there is also not proof that the present applicant had accompanied the co-accused persons. He further submits that, twice the statement of the complainant under Section 161 was recorded, but the name of the present applicant was not there and thus prayed for releasing the applicant on bail.

7. The State counsel however opposing the bail application submits that, the present applicant was in company with the other co-accused persons and that was the reason why he was standing at the door of the house of the complainant at mid-night when the other co-accused persons had entered into the house of the complainant and assaulted her.

8. Considering the facts and circumstances of the case and taking note of the contents of the statement of the complainant-Ritu Agarwal, this Court is of the opinion that, the applicant do not deserve bail at this juncture.

9. Accordingly, the bail application stands rejected.

Sd/-
(P. Sam Koshy)
Judge

Sumit