

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 627 of 2017

Akil Khan S/o Shri Mohd. Hussain Aged About 30 Years R/o Behind Magneto Mall, Bharat Chowk, Near Tailor Shop, Thana- Civil Line, Civil & Revenue District Bilaspur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station City Kotwali, District Bilaspur, Chhattisgarh.

----Respondent

And

MCRC No. 392 of 2017

Pawan Gond S/o Santram Gond Aged About 18 Years R/o Chanduvabhatha, Link Road, Bilaspur, District Bilaspur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station City Kotwali Bilaspur, District Bilaspur, Chhattisgarh.

---- Respondent

For applicants -Shri Sunil Sahu and Shri Rajeev Kumar Dubey, Advocates.

For Respondent/State –Shri Avinash K. Mishra and Shri Vivek Singhal, PL

Hon'ble Shri Justice Goutam Bhaduri

Order

9/02/2017

1. Both these bail applications are decided by this common order as they are arising out of the same crime number.
2. The applicants have preferred these applications for grant of bail as they are arrested in connection with Crime No.473/2016 registered in Police Station City Kotwali, Distt. Bilaspur (C.G.) for offence punishable under section 394/34 of Indian Penal Code.
3. As per the prosecution case, a report was made by Akash

Singhal on 9/12/2016 that in the intervening night of 8-9/12/2016 while he was coming from the bus stand, present applicants alongwith another boy stopped him and looted Rs.8000/-, ATM card, Aadhar Card etc., they were in auto. Subsequently, the applicants were arrested and they were identified.

4. Learned counsels for the applicants submit that FIR would reveal that report is made against auto number 1134 whereas memorandum would show that applicant Pawan Gond is possessed with auto number CG 10 T 1184 and Akil Khan is possessed with auto number CG 10-V 4412 but their actual auto has not been apprehended, therefore the applicants may be released on bail.

5. Learned State counsel opposes the prayer for grant of bail.

6. Perused the case diary and the documents. During the argument identification memo is produced. Identification memo shows that both the applicants were identified by the victim. Considering the way the offence has been committed, this court is not inclined to release the applicants on bail.

7. Accordingly, both the bail applications are dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE