

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 879 of 2017

1. Jwala Singh, S/o. Yudhbir Singh, Aged About 23 Years, R/o. Village Seer, Police Station -Hussianganj, District -Fathepur, Uttar Pradesh. Present Address- Kabir Nagar Raipur, District- Raipur, Chhattisgarh.

----Applicant

Versus

1. State Of Chhattisgarh, Through : Arakshi Kendra -Kasdol, District (Revenue & Civil) Balodabazar- Bhatapara, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Udhav Sharma & Sumit Jhanwar, Advocates
For Respondent/State	: Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

10/03/2017

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.381/2016, registered at Police Station – Kasdol, District – Balodabazar – Bhatapara (C.G.) for the offence punishable under Section 454, 394, 414, 120-B of Indian Penal Code and 25, 27 of Arms Act and 65-B of I.T. Act.
2. Case of the prosecution, in brief, is that on 08.10.2016 a complaint was made by Pramod Kumar Sahu that dacoity took place in his house and gold and silver ornaments and cash was looted by assaulting them. Subsequently, the applicant was arrested on 18.10.2016 and on his memorandum certain silver ornaments were recovered from Diksha Trivedi, which was further identified by the complainant and further the applicant himself and other co-accused were identified. Thereby the offence has been committed.

3. Learned counsel for the applicant would submit that entire identification parade which was carried out is completely doubtful since there is no place is mentioned and whether there is police is also not mentioned and by whom they were identified. It is further submitted that at 2.30 memorandum was recorded at Kashdol and within half hour, the police travelled and seized the articles, which is completely doubtful. It is further submitted that local persons were included in the identification parade, therefore, also the identification parade is also doubtful. 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.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary, documents as also the memorandum statement. Perusal of the documents shows that the at the instance of the applicant, the goods were seized, which was further identified by the complainant and further the applicant was also identified. Taking into such fact, I am not inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge