

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1131 of 2017

Santosh @ Golu Sahu, S/o. Goverdhan Sahu, Aged About 30 Years, R/o. Sahupara Gandai, Police Station Pandatarai, Tahsil Pandariya, District Kabirdham, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through The Station House Officer, Police Chowki Chilfi, Police Station Lormi, District Mungeli, Chhattisgarh.

---- Respondent

For Applicant : Mr. Rajeev Kumar Dubey, Advocate

For Respondent : Mr. Ashok Swarnakar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

07/03/2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.189/2016 registered at Police Station- Lormi, District Mungeli (C.G.) for the offence punishable under Section 394/34 & 120-B of Indian Penal Code.
2. As per the prosecution case, on 06.05.2016 while the complainant Rajkumar who deals in business of sale of Gond & Silver was going from village Dumarha to Khaparikala in between the road three persons came and throw a Chilly powder on his face and looted 300 grams of Gold and 15 Kg Silver, which was worth Rs.15 Lakhs. Subsequently, the applicant and other co-accused were arrested and from the possession of the applicant, 8.81 Kg of Silver and 202.10 gram of Gold was recovered.

3. Learned counsel for the applicant would submit that the applicant has been falsely implicated, the applicant has not been identified by the complainant Rajkumar and only on the memorandum of the other co-accused, he has been inculpated, therefore, the applicant may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and memorandum statement which is followed by the recovery. Considering the memorandum statement and the huge recovery of the ornament approx. 8 Kg of Silver and 202.10 gram of Gold, I am not inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge