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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 972 of 2017**

Sanjeev @ Sanju Upadhyay S/o Harbansh Upadhyay, aged about 20 years, Occupation Labour, R/o Chandan, Behind Talab Mandir, Kharsiya, PS and Tahsil Kharsiya, District Raigarh, Chhattisgarh.

----Applicant**Versus**

State of Chhattisgarh, Through the Station House Officer, Police Station Pusaur, Civil and Revenue District Raigarh, Chhattisgarh.

---- Non-Applicant**AND****M.Cr.C. No. 1112 of 2017**

Sanjeev @ Sanju Upadhyay S/o Harbansh Upadhyay, aged about 20 years, Occupation Labour, R/o Chandan, Behind Talab Mandir, Kharsiya, PS and Tahsil Kharsiya, District Raigarh, Chhattisgarh.

----Applicant**Versus**

State of Chhattisgarh, Through the Station House Officer, Police Station Pusaur, Civil and Revenue District Raigarh, Chhattisgarh.

---- Non-Applicant

For Applicant	: Shri Manoj Jaiswal, Advocate.
For Respondent/State	: Ms. Sunita Jain and Shri Anant Bajpai, Panel Lawyers.

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****02/03/2017**

1. These are the first bail applications 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 Nos. 221 of 2016 and 223 of 2016 respectively, registered at Police Station, Pusaur, District Raigarh, Chhattisgarh for the offence punishable under Section 392

and 394 of the Indian Penal Code and Sections 392 and 34 of the Indian Penal Code, respectively.

2. Case of the prosecution, in brief, is that on 09.11.2016, the applicant alongwith others committed robbery and looted one mobile phone and Rs. 300/- from one Chitrasen Nishad. Thereafter, the applicant, on the same day, looted a mobile from one Vikas Patel and on his raising alarm, the applicant was caught on the spot but the co-accused fled away.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he has not committed any offence. There is no evidence to connect the present applicant with the crime in question. There is no seizure of any looted article from the applicant, however, one motorcycle was seized from him at his instance. The applicant is in jail since 13.11.2016. 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 and submits at that there is sufficient material available on record to connect the present applicant with the crime in question, therefore, he is not entitled to be released on bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. On perusal of the case diary as also the memorandum, it shows that the applicant alongwith co-accused were lodged in jail where they hatched a conspiracy of committing robbery and after coming out from the jail, the aforesaid offences have been executed.
7. Taking into consideration the facts and circumstances of the case and further taking into consideration the nature and gravity of the offence

and the material collected by the prosecution including the seizure of motorcycle and the evidence available on record and further the past background of the applicant, I am of the opinion that this is not a fit case where the applicant should be enlarged on bail.

8. Accordingly, both the bail applications filed under Section 439 of the Cr.P.C. are rejected.
9. Certified copy, as per rules.

Sd/-
(Goutam Bhaduri)
Judge