

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1216 of 2017

- Hemant Sahu S/o Naresh Sahu Aged About 24 Years R/o Vishva Bank Colony, Bhilai- 03, Police Station Bhilai- 03, Tahsil- Patan, District- Durg, Chhattisgarh. **--- Applicant**

Versus

- State of Chhattisgarh Through Police Station Kumhari, District Durg, Chhattisgarh. **--- Respondent**

For the applicant	:	Ms. Sunita Jain, Advocate
For the Respondent	:	Miss K. Tripti Rao, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

07.03.2017

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicants in connection with Crime No. 96/2016 registered at P.S. Kumhari, Distt. Durg (C.G) for the offence punishable under Sections 365, 394, 411, 34 of IPC.
2. As per the prosecution case, a report was made by the wife of Deepak Koshle that her husband was missing. The incident is of 11.03.2016. It is alleged that thereafter he was recovered on 19.03.2016. During investigation, it was revealed that the applicant along-with other accused have abducted Deepak Koshley and kept him in captivity and looted certain amount of cash, gold chain and gold ring, thereby the offence has been committed.
3. Learned counsel for the applicant would submit that the victim Deepak Koshle has been examined and the applicant has not committed anything against the present applicant and the victim has stated that the applicant was present

while the incident happened and thereby the applicant has been falsely implicated. She further submits that the charge sheet has been filed and the applicant is in jail since 24.06.2017, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail and submits that the stolen gold chain and gold ring which are subject of proof have been identified.
5. Perused the case diary statements. The recovery of stolen gold articles was made from the present applicant and other accused. Therefore, at this stage, it would not be proper to read and evaluate the entire evidence for consideration of bail as it would amount to usurping the power of trial Court. Looking to the facts and circumstances of the case, I am not inclined to allow this bail application. Accordingly, it is rejected.

Sd/-

**GOUTAM BHADURI
JUDGE**