

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1731 of 2017

1. Anil@ Anya Piple S/o Yuvraj Piple, aged about 39 years, R/o Ashok Nagar Ward No. 4, Behind R.T.I. College, Police Station Shrirampur, District- Ahmad Nagar, Maharashtra

---- Applicant

Versus

1. State of Chhattisgarh Through, Station House Officer, Police of Police Station-City Kotwali, Dhamtari, District- Dhamtari, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Anil Gulati, Advocate.

For Non-applicant/State – Shri Neeraj Sharma, Deputy Govt. Advocate.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

28-03-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant stand arrested by City Kotwali, Dhamtari in connection with Crime No.183/2016 under Section 395, 412 of the IPC on 14-08-2016. The charge sheet has been filed, the matter is pending before the JMFC, Dhamtari who had registered Criminal Case No.1029/2016. Subsequently, he had committed the matter for trial to the Court of Sessions. Presently, the matter is pending before the A.S. J. Dhamtari. Only Rs.1500/- cash and one iron rod were seized from the applicant. The co-accused on whose memorandum seizure were effected was not identified by the complainant. They have good case for his release on bail.
3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant and would submit that the applicant was duly identified in the test identification parade and also another Crime No.14/2008 was registered for the similar offence by the P.S. Kotwali wherein also charge sheet has been filed against the present applicant along with other co-accused and the present matter there was allegation for the dacoity of Rs.6,90,000/- of cash and ornaments.

4. On due consideration, looking to the evidence collected by the prosecution against the present applicant and his role attributed, I am not inclined to allow the instant MCRC.

5. Consequently, the MCRC is hereby dismissed.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE