

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.1887 of 2017**

- Abhay Singh S/o Vimlesh Singh, Aged About 24 Years R/o Infront Dilip Marbel Dipka Road Hardi Bazar Chowki Hardi Bazar Police Station Kushmunda Tahsil Pali And District Korba Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate Korba Chhattisgarh Police Station Kushmunda Tahsil Pali District Korba Chhattisgarh

---- Respondent

For Applicant	: Shri SV Purohit, Advocate
For Respondent/State	: Shri Neeraj Mehta, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****24.4.2017**

Heard the matter finally.

2. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.27/2017 registered in Chowki Hardi Bazar, Police Station Kusmunda, Tahsil Pali Distt. Korba for the offence punishable under Section 457, 380, 34 of IPC.

3. Learned counsel for the applicant submits that the applicant has been arrested on 16.02.2017, after investigation charge sheet has been filed against the present applicant and one supplementary charge sheet has been filed against juvenile Durgesh @ Dhalu and though registered the matter against the

co-accused Dinesh Namdeo but as subsequently Dinesh Namdeo committed suicide on 15.02.2017. In the charge sheet the said co-accused is shown as dead. The matter is pending before Judicial Magistrate First Class, Pali as Criminal Case No.159/17, charge sheet has been filed on 11.4.2017. Learned counsel for the applicant would submit that FIR was lodged against unknown, there is no satisfactory reason for delay in filing the FIR, seizure affected from the applicant is not mentioned in the seizure memo. Memorandum of the present applicant is taken at Police out Post Haldi, the applicant has no connection with the incident, the applicant trespassed the house of the complainant is not proved. Unknown persons committed theft, there is no document to demonstrate the ownership of the ornaments, test identification is suspicious, lock is not seized, there is no eyewitness to the incident, the applicant is the student of BCA First year. The ornaments seized from the applicant is artificial ornaments. The applicant is aged about 24 years, he is in jail for about 2 months, hence, he may be granted bail during trial.

4. Per contra, learned counsel for the State opposed the arguments advanced on behalf of the applicant and would submits that FIR lodged only after the complainant returned, there is no bar for recording memorandum statement at the out post Hardi, the applicant is the main accused, as per the allegation, he along with two other accused persons committed theft of articles worth Rs.1,36,000/-, the applicant has completed his engineering

course from Delhi. The ornaments and other articles recovered from the applicant is duly identified in the Test Identification Parade, with this there is a connection with the offence with the applicant and looking to the entire facts, the bail application may be dismissed.

5. Perused the entire material.

6. On due consideration of the fact that the applicant who is highly qualified engineer is the main accused, theft property were duly identified, with this prima facie there are evidence to connect the applicant with crime, I am not inclined to grant bail to the applicant.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is hereby dismissed.

Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE