

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.2451 of 2017**

- Pradeep Kahar S/o Fulchand Kahar, Aged About 29 Years R/o Near Santosh Petrol Pump, Chhoti Koni, Police Station Koni, Tahsil & District Bilaspur Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Sarkanda, Bilaspur District Bilaspur Chhattisgarh

---- Respondent

For Applicant	: Shri Arvind Kumar Shukla, Advocate
For Respondent/State	: Shri Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****04.5.2017**

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.830/2016 registered in Police Station Sarkanda, Bilaspur for the offence punishable under Sections 394, 506, 34 of Indian Penal Code.

3. Learned counsel for the applicant submits that the applicant has been arrested on 21.11.2016, after investigation, concerned police has filed charge sheet against the present applicant and co-accused Rakesh Kant which is pending as Criminal Case No.5391/16 before Judicial Magistrate First Class, Bilaspur. Though there is no named FIR but the looted chain worth Rs.23.200/- has been seized from co-accused and the FIR was lodged after two

weeks of the incident. The applicant is not the main accused, hence, he may be granted bail.

4. Per contra , learned counsel for the State opposes the bail application and would submits that as per FIR delay in lodging the FIR is mentioned, though the chain was not recovered from the applicant, but the complainant has lodged named FIR showing the role of the present applicant. Hence, the instant application may be dismissed looking to the seriousness of the crime.

5. Perused the entire material.

6. Looking to the fact that the applicant had looted gold chain worth Rs.23,300/- along with co-accused, cause of delay in filing the FIR is well explained, 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.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE