

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 3650 of 2017**

- Sanjay Minj S/o Late Shri Ramkhelawan Minj @ Ramkhillawan Minj, Aged About 26 Years, R/o Near Saraswati Shishu Mandir School, Ward No. 10 Imalipara, Balrampur, Police Station- Balrampur, Distt - Balrampur Chhattisgarh

**---- Applicant**

**Versus**

- State Of Chhattisgarh Through:- Station House Officer, Police Station - Ramanujanj, Distt.- Balrampur Chhattisgarh.

**---- Non-applicant**

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For Applicant – Shri Rishi Rahul Soni, Advocate.

For Non-applicant/State – Shri Ashok Swarnkar, Panel Lawyer.

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**

**Order on Board**

**28-11-2017**

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court by the applicant for regular bail. The applicant was arrested on 29-12-2016 in connection with Crime No.126/2016 registered at P.S. Ramanujanj, District Balrampur, C.G. for the offence under Section 394, 398 of the IPC and Section 25 and 27 of the Arms Act, 1959.

2. It is submitted on behalf of the applicant that the applicant is innocent and has been falsely implicated in this case. The incident has taken place on 27-12-2016, whereas the arrest memo shows the arrest of the applicant on 29-12-2016 at 13.00 p.m., it is to be noted that Test Identification Parade shows the time of this proceeding on the same day at 12.15 p.m. prior to the formal arrest; further the memorandum recorded of the applicant shows date 28-12-2016. These discrepancies show that the case against the applicant is concocted and false. It is further submitted that the applicant is in custody since 29-12-2016 and the trial against him is not concluded yet. Hence, for these reasons, the applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application

and submission made. It is submitted that the applicant has been clearly identified by the complainant in this case in the Test Identification Parade conducted by the Executive Magistrate, which is a strong evidence against him that he was involved in the commission of offence of attempted loot and causing injury to the complainant by use of firearm during attempted loot, hence, he is not entitled for grant of bail.

4. Heard learned counsel for both the parties and perused the case diary.

5. As per the case, on the date of incident complainant Amit Soni who is engaged in business of jewelry was stopped on the way by three unknown persons who tried to loot the belongings and meanwhile one of them fired by *desi katta* and injured Rupesh on his hand. The unknown persons could not succeed in committing the loot. After lodging of the FIR, investigation has been done and charge sheet has been filed against the applicant and others.

6. Considering the submissions made and the contents of the case diary and looking to this fact that the applicant has been identified specifically by the complainant and also looking to the nature of the offence, I am not inclined to grant bail to the applicant.

7. Consequently, the application (MCRC No.3650/2017) filed under Section 439 of the Cr.P.C. by the applicant is hereby dismissed.

Sd/-  
**(Rajendra Chandra Singh Samant)**  
**Judge**