

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.4269 of 2017**

- Vijay Chouhan S/o Late Ramadhar, Aged About 35 Years R/o Gada Ekta Nagar Gudripara, Police Station Chirmiri, Tahsil Khadgawa, District Korea Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Podi District Korea Chhattisgarh

---- Respondent

For Applicant : Shri Pushpendra Kumar Patel, Advocate
 For Respondent/State : Shri Ashok Swarnkar, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****31.7.2017**

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.71/2015 registered in Police Station Podi, Distt. Korea (CG) for the offence punishable under Sections 394, 398, 201, 120-B, 34 of the Indian Penal Code.

3. Learned counsel for the applicant submits that the applicant has been arrested on 27.02.2016, after investigation police has filed charge sheet which is pending before Second Additional Sessions Judge, Maneendragarh Distt. Korea . He would further submit that total three accused persons were charge sheeted including Gulabia Bai and Mukesh Gupta. Co-accused Mukesh

Gupta has already been granted bail and bail petition filed on behalf of co-accused Gulabia Bai has already been dismissed by the High Court. As per the allegation, the applicant along with other co-accused looted golden chain and cash of Rs.2700/- from complainant by assaulting and committing marpeet with him. Out of the looted property, golden chain has been recovered from co-accused Gulabi Bai and purse of the complainant was recovered from the applicant and as per the facts the applicant has spent the looted cash amount. He is in jail since long, he will not commit any offence in future, hence, he may be granted bail.

4. Per contra, learned counsel for the State opposes the arguments advanced on behalf of the applicant on the basis of fact that the applicant and the co-accused armed with deadly weapons assaulted, caused injury and looted property as aforementioned hence, instant bail application may be dismissed. He further submits that prior to the incident, the following matters have been registered against the applicant.

Sl. No.	Crime No.	Offence U/S.
01.	39/1999	379 IPC
02.	187/2004	457, 380 IPC
03.	105/2002	458, 380 IPC
04.	08/2009	457, 511 IPC
05.	09/2009	457, 380 IPC
06.	Complaint No.458/2004	107, 116(3) CrPC
07.	Complaint No. 33/2005	110 CrPC cause of action is shown since 1999
08.	Complaint No. 55/2005	41(2) CrPC cause of action is shown since 1999
09.	01/2006	110 CrPC cause of action is shown since 1999

10	645/2008	457, 380 IPC
11	145/2009	41(2), 110 CrPC

5. Perused the entire material.

6. Looking to the present incident, where the applicant and the co-accused have looted the property and assaulted the complainant by causing injury and also with the fact that bail application of co-accused Gulabili Bai as stated is dismissed and also in the background of aforementioned criminal matters registered against the applicant, 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