

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4383 of 2017

- Fir Singh S/o Ramdhan Rathiya, Aged About 25 Years, By Caste Kanwar, Occupation Labourer, R/o Village Kolga, Police Station & Tahsil Kartala, District Korba, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Kapu, District Raigarh, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Shivendra Bhardwaj, Advocate.

For Non-applicant/State – Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

01-09-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.74/2016 on 23-08-2017 by P.S. Kapu, District Raigarh,, Chhattisgarh for the offence under Section 458, 386, 34, 395, 397 of the IPC and Section 25, 27 of the Arms Act, 1959. After investigation charge sheet been filed, which is presently pending before the Court of Sessions, but learned counsel for the applicant is not aware which Court of Sessions, i.e., Sessions Judge/Addl. Sessions Judge where the matter is pending. The learned counsel is also not aware the Sessions Trial number. It is submitted that co-accused Vishnu Singh Rathiya, Rajesh Das Mahant, Nandlal Agariya have not preferred any petition for bail. Co-accused Dhan Singh had preferred MCRC No.8563/2016 which was dismissed by coordinate Bench dated 13-01-2017. Co-accused Asan Singh Rathiya is showing absconded. Learned counsel for the applicant would also submit that the applicant is innocent, he is falsely implicated he is in custody since more than a year. He

may be enlarged on bail.

3. Per contra, learned counsel for the non-applicant/State would submit that from the applicant one country made pistol, two live cartridge, one empty cartridge were seized . The applicant is duly identified in the Test Identification Parade and as per the allegation, the applicant and other co-accused made dacoity and looted the property from the house of the complainant Peyar Sai.

4. Perused the entire material.

5. The petition filed by the co-accused was dismissed by the coordinate Bench, also after perusal of the material surfaced in the charge sheet, I am not inclined to grant bail to the applicant. Consequently, the instant MCRC is hereby dismissed.

Sd/-
(Chandra Bhushan Bajpai)
Judge