

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5100 of 2017**

- Rajkumar Bhagat S/o Late Chuhru Ram Bhagat Aged About 34 Years Cast- Uraon R/o Putrichaura, Police Chowki, Lodam, Police Station Jashpur, District Jashpur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Chowki Lodam, Police Station Jashpur, District- Jashpur, Chhattisgarh.

---- Respondent

 For Applicant : Shri Sanjeev Kumar Sahu, Advocate
 For Respondent/State : Shri Lav Sharma, Panel Lawyer

Hon'ble Shri Justice Ram Prasanna Sharma
Order On Board

20.11.2017

1. 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.262/2015 registered at Police Chowki Lodam, P.S. Jashpur, District Jashpur(CG) for the offence punishable under Sections 341, 394, 397, 120(B) of the IPC and Sections 25 and 27 of the Arms Act, 1959.
3. As per the case of prosecution on 19.9.2015, the applicant along with other co-accused persons committed robbery of Rs.1,17,500/- from Najmuddin Ansari and Basruddin Ansari.
4. Learned counsel for the applicant submits that the applicant has been falsely implicated in the case and in Test Identification

Parade, he has not been identified by the complainant. He further submits that the charge sheet has already been filed and the trial may take some time, therefore, the applicant may be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application.

6. Perused the entire material available on record.

7. As per the evidence, one country made revolver was seized from the applicant and it is alleged that the same was used during commission of offence and he was arrested on 26.4.2017. It appears from the order sheet of the trial Court that the applicant is absconding and permanent non-bailable warrant has been issued against him. Trial of other co-accused was conducted and the matter is decided but for absconding of the present applicant, his trial is still pending.

8. Provision of bail is made for assuring presence of the accused during trial. Prima facie, it appears that the applicant has earlier absconded, and therefore, his regular presence during trial will be under cloud if he is released on bail. The applicant is not entitled to be released on bail.

9. Accordingly, the bail application stands rejected.

Sd/

(Ram Prasanna Sharma)
JUDGE