

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 8397 of 2016

1. Nemi Chand Dhritlahre, S/o. Narttam Das, aged about 19 years, R/o. Village-Bahnakadi, P.S. - Mandir Hasoud, District – Raipur (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Police Station – Mandir Hasoud, District – Raipur (C.G.)

---- Respondent

For Applicant : Mr. F.S. Khare, Advocate

For Respondent/State : Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

03/01/2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.85/2016, registered at Police Station – Mandir Hasoud, District – Raipur (C.G.) for the offence punishable under Section 392, 395, 397 & 458 of Indian Penal Code and Section 25 (1-B) (A), 27 of Arms Act.
2. Case of the prosecution, in brief, is that a report was made by Hema Barle on 02.04.2016 that 3-4 persons have committed dacoity and assaulted the complainant, who is wife of Chowkidar and looted mobile and ornaments. The mobile was sold to some other person and on that basis, the other co-accused was traced. Thereby the offence has been committed.
3. Learned counsel for the applicant would submit that complainant Hema Barle has been examined and nothing has been stated against the present applicant, therefore, the counsel prays that the applicant

may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Perused the statement of the witnesses. Few of the witnesses Hema Bai Barle, Dharmendra Kumar, Ashok Kumar, Vibhor Rastogi and Krishna Kumar Gayakwad have been examined and detailed examination and cross-examination has been made. At this stage, when most of the material witnesses have been examined, it is not proper for this Court to appreciate the statement of the witnesses by usurping the power of trial. Considering the fact that most of the material witnesses have been examined, it is to be appreciated by the trial Court. Taking into such fact, I am not inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Balram