

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8563 of 2016

- Dhan Singh S/o Genda Goda Aged About 40 Years R/o Village Kanchira, Police Station Kapu, Tahsil- Dharamjaigarh, District Raigarh, Chhattisgarh.

---- **Petitioner**

Versus

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

---- **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

13-01-2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 17-8-2016 in connection with Crime No. 74 of 2016, registered at Police Station Kapu, District Raigarh (CG) for the offence punishable under Sections 458, 386/34, 395, 397 of IPC and Sections 25 & 27 of the Arms Act.
2. Case of the prosecution, in brief, is that a report was made by the complainant that on 17-8-2016 dacoity took place in his house and cash Rs.4,000/-, documents and other goods were taken away. Subsequently, it was revealed that present applicant Dhan Singh called one of the co- accused Nandlal who is his nephew and conspiracy was made to commit dacoity in the house of Sarpanch. Subsequently, Nandlal was identified and other co-accused

persons were arrested and identified. On investigation it was revealed that the applicant has conspired with other co-accused to commit the said offence and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated, he has not committed any offence, the applicant has been identified for the reason that he was resident of same village, no evidence is available against the applicant and only on the statement of Nandlal, the applicant has been inculpated. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 17-8-2016 and no further investigation is required, therefore, he may be released on bail.
4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties, perused the case diary and documents which would show that dacoity took place and conspiracy was made at the instance of the applicant.
6. Taking into consideration the facts and circumstances of the case, nature of allegation and degree of offence and further considering the evidence available against the applicant, 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 liable to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Raju

