

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8527 of 2016

Sudhanshu Pandey, S/o. Late Mr. Pankaj Pandey, Aged About 19 Years,
Student Of B.E. III Year, J.K. Institute, R/o. MIG-01, Kesar Aawas,
Rajkishore Nagar, Thana - Sarkanda, District Bilaspur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through District Magistrate, District Bilaspur,
Chhattisgarh.

---- Respondent

For Applicant : Mr. Achyut Tiwari, Advocate

For Respondent : Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

09/01/2017

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 in connection with Crime No.315/2016 registered at Police Station- Koni, District Bilaspur (C.G.) for the offence punishable under Section 395 of Indian Penal Code.
2. Case of the prosecution, in brief, is that the applicant along-with others on 06.11.2016 at about 4:30 A.M. morning at Mopka - Sendri bypass road looted three Trucks as they looted Mobile of the drivers and other inmates, took out the Battery of the Truck and also looted Rs.9000/- cash. Thereby, the offence has been committed.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated only on the statement of Bhanupratap Singh and though he is said to have been identified but some photograph was published before the identification, as such, false

allegation is attributed against the present applicant, therefore, he may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the statement of Ganesh Ram Bhaskar & Dilharan and others. In the identification, the applicant has been identified, therefore, the argument which is advanced by the counsel for the applicant cannot be entertained at this stage. Considering the nature of allegation, I am not inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge