

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 1434 of 2017

1. Sunil Kumar Vaishnav, S/o. Khemdas Vaishnav, Aged About 23 Years, R/o Village Chhapora, Tahsil Malkharuada, District Janjgir-Champa, Chhattisgarh At Present R/o. At Rajiv Gandhi Nagar, Raigarh, Tahsil & District Raigarh, Chhattisgarh

----Applicant

Versus

1. State Of Chhattisgarh Through Station House Officer, Police Station-Kotra Raod, District Raigarh, Chhattisgarh

---- Respondent

For Applicant	: Mr. Ashish Gupta, Advocate
For Respondent/State	: Mr. Dilman Rati Minz, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

27/02/2017

1. This is the second 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.104/2016, registered at Police Station – Kotra Road, District – Raigarh (C.G.) for the offence punishable under Section 392/34 of Indian Penal Code. The first bail application was dismissed on 03.10.2016 in M.Cr.C. No.6100/2016.
2. Case of the prosecution, in brief, is that a report was made by Murlidhar Chauhan that in the night of 19.04.2016 at about 1.00 a.m., the applicant along with other co-accused has looted a mobile, motor cycle and cash of Rs.930/- from the complainant at the knife point, thereby the offence is committed.
3. Learned counsel for the applicant would submit that the complainant-Murlidhar Chauhan has been examined and he has not supported the

case of the prosecution, therefore, the applicant may be released 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.
6. Perused the statement of complainant – Murlidhar Chauhan. Perusal of the statement would show that detail examination-in-chief and cross-examination of the witness has been made and therefore, it would not be proper for this Court to evaluate the case by reading in between the lines of the said statement during the bail. It is for the trial Court to decide the same and it this Court do not wish to usurp the power of trial. Consequently, 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