

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1755 of 2017

- Mater @ Mataru Pawar S/o Raj Kumar Pawar Aged About 27 Years R/o Borkhedi, Police Station, Buttibori, District Nagpur, Maharastra

---- **Petitioner**

Versus

- State of Chhattisgarh Through, Station House Officer, Out Post- Chichola, Police Station - Chhuriya, District- Rajnandgaon, Chhattisgarh.

---- **Respondent**

For Applicant : Mr. T.K. Tiwari, Advocate

For Respondent/State : Mrs. M. Asha, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

30-03-2017

1. This is second 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 22-10-2016 in connection with Crime No. 99 of 2015, registered at Out Post Chichola, PS Chhuriya, District Rajnandgaon (CG) for the offence punishable under Sections 394, 395, 397, 427 of IPC and Sections 25 & 27 of the Arms Act.
2. Case of the prosecution, in brief, is that the applicant was arrested for involvement in the commission of loot made on 21.06.2015 as he looted gold ornaments and cash total worth Rs.1,20,000/-. It is further case of the prosecution that Betab, Ranjeet and other co-accused persons committed the crime along with the present applicant and Betab and Ranjeet after being arrested on their memorandum, present applicant and others have been named.
3. Learned counsel for the applicant would submit that this second bail application and earlier first bail application was dismissed on the ground that no test identification parade was conducted against the applicant. He would

submit that notice was served to the complainant to appear for test identification parade and copy of the notice and Rojnamcha Sanha would show that the complainant has not appeared for test identification parade, therefore the complainant has not co-operated for TIP. He would further submit that there is no evidence against the applicant, charge-sheet has been filed, the applicant is in jail since 22-10-2016 and other co-accused have already been granted bail vide order dated 1-12-2015 passed by this Court in M.Cr.C.No. 6439 of 2015, therefore, he prays that the applicant may be enlarged on bail.

4. On the other hand, State counsel opposes the bail application. However, he is not able to dispute the fact that no TIP was conducted against the applicant.
5. I have heard learned counsel for the parties, perused the case diary and documents.
6. Taking into consideration the facts and circumstances of the case, considering the fact no test identification parade was conducted against the applicant and also further considering the fact that charge-sheet has been filed, the applicant is in jail since 22-10-2016 and no further investigation is necessary, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju

