

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2040 of 2017

- Betab @ Belab Pawar S/o Rajkumar Pawar, Aged About 24 Years
R/o Borkhedi, Police Station Buttibori, District- Nagpur, Maharastra.

---- Applicant

Versus

- State of Chhattisgarh Through : The District Magistrate,
Rajnandgaon Chhattisgarh, Chowki Incharge Chichola, Police
Station- Chhuriya, District Rajnandgaon, Chhattisgarh

---- Respondent

For Applicant : Mr. C.K. Kesharwani, Advocate

For Respondent/State : Mr. Surya Kant Mishra, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

28-4-2017

1. This is the fourth 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 27-7-2015 in connection with Crime No. 99 of 2015 registered at Police Station 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 along with other co-accused has been apprehended for involvement in commission of loot on 21.06.2015. The complainant who was travelling in his Scorpio alongwith his family members were taking rest in the side of the road at that time, the applicant alongwith other co-accused broke open the glass of the vehicle and thereafter, looted amount of Rs.20,000/- and gold ornaments.

Subsequently, the applicant and other co-accused were arrested and the applicant and other co-accused were identified in the jail as also one of the looted article, which was seized was identified.

3. Learned counsel appearing for the applicant would submit that this is fourth bail application, earlier first and second bail applications were dismissed on merits on 14-1-2016 and 16-8-2016 and third bail application was dismissed for want of prosecution on 2-3-2017. He would further submit that on 24-12-2016 additional charge-sheet was filed against one Matar @ Mataru, the applicant is in jail since 27-7-2015 and trial will take some time, therefore, the appellant may be released on bail.
4. On the other hand, learned State counsel opposes the prayer for grant of bail and would submit that the main allegations have been attributed against the present applicant. He referred to the statement of complainant R.S. Jaiswal (PW/1) and would submit that the applicant was also identified in the Court and he had also assaulted the complainant, therefore, no change of circumstances appears to be existed in the instant bail application.
5. I have heard learned counsel for the parties, perused the case diary and documents.
6. Perused the earlier bail rejection orders dated 14-1-2016 and 16-8-2016 and also the statement of complainant R.S. Jaiswal (PW/1) which would show that initially present applicant who was also identified, had looted Rs.20,000/- from complainant and thereafter he also assaulted the complainant by way of knife and tried to take away the girl of complainant with him and thereby complainant R.S.Jaiswal sustained injuries and his veins were also cut and he was operated in Mumbai hospital.

7. Taking into consideration all the facts and circumstances of the case and further considering the statement of the complainant R.S. Jaiswal (PW/1), I do not find any change of circumstances to reconsider fourth bail petition.
8. Accordingly, the instant bail application filed under Section 439 of the Cr.P.C. is also liable to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Raju