

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 2062 of 2017

Rajesh Verma @ Bholu, S/o. Shri Harishankar Verma, Aged About 26 Years,
R/o. Rajkishor Nagar Sarkanda, Police Station Sarkanda, District Bilaspur,
Civil & Revenue District Bilaspur, Chhattisgarh.

----Applicant

Versus

State of Chhattisgarh, Through: Police Station – Sarkanda, District - Bilaspur,
Chhattisgarh.

---- Respondent

For Applicant	: Mr. Dhirendra Pandey, Advocate
For Respondent/State	: Mr. Suryakant Mishra, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

12/04/2017

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.583/2016, registered at Police Station – Sarkanda, District – Bilaspur (C.G.) for the offence punishable under Section 341, 394, 34 of Indian Penal Code and Section 25 & 27 of Arms Act. The first bail application was dismissed vide order dated 30.11.2016 in M.Cr.C. No.7589/2016.
2. Case of the prosecution, in brief, is that on 31.08.2016, a report was lodged by complainant – Avinash Wadhwani that while returning to his home from Magneto Mall after watching a movie the applicant along with other co-accused came on motor cycle and stopped the car of complainant and thereafter at the gun point, they looted golden chain

and ring from the complainant. Thereby the offence has been committed.

3. Learned counsel for the applicant would submit that earlier the bail was dismissed predominantly for the reason that three past antecedents were recorded, however, the applicant has been acquitted in the earlier case and one judgment is filed of dated 29.09.2015 and in other cases, the applicant has been acquitted. Therefore, the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard the learned counsel for the parties.
6. Perused the earlier rejection order. Considering the fact of this case, the bail was earlier rejected on merits also and at this stage only one order has been filed though 3 cases were to the credit of applicant, therefore, no change of circumstances appears to exist to reconsider the bail. Therefore, taking into the totality and the facts and circumstances of the case, 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