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HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3370 of 2017

Virendra Gupta, S/o. Kamla Prasad Gupta, aged about 36 years, R/o. Rajkishore Nagar, Opp. Urja Park, Police Station – Sarkanda, Civil and Revenue District – Bilaspur (C.G.)

----Applicant

Versus

State of Chhattisgarh, through: Station House Officer, Police Station : Sarkanda, District – Bilaspur (C.G.)

---- Respondent

For Applicant	: Mr. Dharmesh Shrivastava, Advocate
For Respondent/State	: Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri
Order On Board

09/05/2017

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.482/2016, registered at Police Station – Sarkanda, District – Bilaspur (C.G.) for the offence punishable under Section 392, 411, 34 of Indian Penal Code. The first bail application was dismissed on merits vide order dated 23.11.2016 in M.Cr.C. No.7321/2016.
2. Case of the prosecution, in brief, is that on 24.07.2016, complainant Usha Dubey while was taking morning walk at that time, the applicant snatched the gold chain worth Rs.45,000/- and fled away. Subsequently, the applicants were arrested and on memorandum of the applicants stolen motor cycle as also part of chain was recovered. Thereby the offence has been committed.

3. Learned counsel for the applicant would submit that the complainant Usha Dubey has been examined and she has not supported the case of the prosecution. Therefore, the counsel prays that 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 learned counsel appearing for the parties.
6. Perused the statement of complainant Usha Dubey. Considering para-2 of her statement, 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