

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4882 of 2017

- Chhatkumar Shriwas S/o Manglu Ram Shriwas, Aged About 30 Years
R/o Village Fatteganj, Police Station Kartala, Tahsil Kartala, Civil And
Revenue District Korba, Chhattisgarh **--- Applicant**

Versus

- State of Chhattisgarh through Station House Officer, Police Station
Kartala, District Korba, Chhattisgarh **--- Respondent**

For the applicant	:	Mrs. Indira Tripathi, Advocate
For the State	:	Mr. Sangharsh Pandey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

23.08.2017

1. This is second bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 54/2016 registered at Police Station Kartala, Distt. Korba (C.G) for the offence punishable under Sections 394/34 of IPC.
2. As per the prosecution case, on 09.08.2016 one Kalaramalongwith Rajesh Kumar and Bhardwaj were coming back from a village Aurai on a motorcycle and on the way they were intercepted by the present applicant and other accused, asked their whereabouts and abused them and thereafter they looted a Samsung Mobile and Rs.1500/- from them. Out of fear, the victims left the motorcycle on the spot and ran away to village Aurai and reported the incident to Sarpanch.
3. Learned counsel for the applicant would submit that the first bail application was dismissed on 03.11.2016, thereafter two of the accused Gariblal and Manharan Shriwas have been

enlarged on bail in M.Cr.C.No.3418 of 2017 by order dated 10.05.2017 and the case of present applicant is similar to that co-accused Gariblal and Manharan as in the statement of P.W.1 at Para no.3 he has denied the identity of Chhatram, therefore, the present applicant may be enlarged on bail.

4. On the other hand, learned State Counsel opposes the prayer. He refers to the statement of P.W.1 and submits that the witness has identified the applicant.
5. A perusal of Para 1 as also Para-3 of P.W.1 would show that at para 1 the victim has candidly identified applicant Chhatkurmar and at Para 3 it is stated that he was not knowing Chhatram earlier, therefore, it cannot be stated that since he was not knowing Chhatram earlier, he has not identified correctly. Considering the facts and circumstances of the case, I do not find that any ground of parity exists to grant bail to the applicant. Accordingly, the bail application is rejected.

**Sd/-
GOUTAM BHADURI
JUDGE**