

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5597 of 2017

Anjil Dadsena S/o Ghanshyam Dadsena, Aged About 29 Years R/o Village Salka, Police Station Kapu, District Jashpur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Police Station Kamleshwarpur, District Surguja, Chhattisgarh.

---- Respondent

For applicant - Shri S.C. Verma, Advocate.
For Respondent/State –Shri Suryakant Mishra, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

20/09/2017

1. This is second bail application under Section 439 of Cr.P.C. The earlier bail application was dismissed as withdrawn on 23/01/2017 vide M.Cr.C. No.90 of 2017.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.15/2015 registered in Police Station Kamleshwarpur, District Surguja (C.G.) for offence punishable under sections 395, 397, 398, 120-B of the Indian Penal Code and Section 25, 27 Arms Act and Section 66-C of I.T. Act.
3. As per the prosecution case, a report was made by Branch Manager, Dilip Ekka on 17/03/2015 that two persons committed bank dacoity and amount of Rs.19,03443/- were looted. During such robbery 2 of the persons were also assaulted. Subsequently, on investigation it revealed that present applicant alongwith other co-accused had also went to the bank wherein two of the co-accused entered into the bank and while others were standing out side. Thereby, they hatched conspiracy to commit bank dacoity and it was executed.

4. Learned counsel for the applicant submits that the applicant is in jail since 23/03/2015 and out of 19 witnesses so recorded no one has identified the applicant, even the Branch Manager has not identified the applicant, therefore the applicant may be released on bail.

5. Learned State counsel opposes the prayer for grant of bail.

6. Perused the case diary, statement as also memorandum. In the memorandum it is stated that applicant alongwith other co-accused have committed offence and certain amount of Rs.5000/- was recovered and one mobile was also recovered. 19 witnesses appears to have already been examined. Earlier bail application was dismissed as withdrawn without any liberty to repeat the same. At this stage, it would not be proper for this court to evaluate the statement of the witnesses. Considering the case diary and the evidence which is available, this court is not inclined to entertain this second bail application.

7. Accordingly, the second bail application is dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE