

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 5447 of 2017**

Dharamdas Prajapati, S/o. Shri Hanuman Deen Prajapati, Aged About 35 Years, R/o. Village Tikri Para, Shivri Narayan, Police Station Shivri Narayan, District Janjgir Champa, Chhattisgarh.

**---- Applicant**

**Versus**

State Of Chhattisgarh, Through Station House Officer, Police Station Shivri Narayan, District Janjgir Champa, Chhattisgarh.

**---- Respondent**

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For Applicant : Mr. Achyut Tiwari, Advocate

For Respondent : Mr. S.R.J.Jaiswal, Panel Lawyer  
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**Hon'ble Shri Justice Goutam Bhaduri**

**Order on Board**

**26.09.2017**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.112/2017 registered at Police Station- Shivri Narayan, District Janjgir-Champa (C.G.) for the offence punishable under Sections 455, 394 of Indian Penal Code.
2. As per the prosecution case, on 14.05.2017 at about 12 A.M. when the door was knocked, the complainant had opened the door and the applicant pushed the door inside and threw sand on her eyes and thereafter assaulted by way of Club and tried to make her unconscious by putting a Handkerchief with Gudakhu. Thereafter, he tried to take out her Bengal but having failed in that he went inside and took out Mobile and fled away.
3. Learned counsel for the applicant would submit that the time of incident is at about 12 Noon and according to the Map of the area, it is in the main road and the police has not even identified the witness to whom the matter was alleged to have been immediately

reported i.e. by-passer of the road. It is further submitted that the victim herself has denied to get herself examined by the Doctor, therefore, it would show that false allegations have been leveled. Therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail and he referred to the identification pared and would submit that the applicant has been identified.
5. Perused the statement of the Victim Smt. Rashmi and identification pared wherein the applicant was identified and from the present applicant on his memorandum the Mobile was also seized. Considering the same, I am not inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-  
**(Goutam Bhaduri)**  
Judge