

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 418 of 2018

- Dev Kumar Dubey S/o Late Shri Girjanand Dubey, Aged About 50 Years Caste Bramhan, R/o Village Banpurwa, Police Station Gadhawa, District Gadhawa Jharkhand , Jharkhand

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Jainagar, District Surajpur Chhattisgarh, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Rishi Rahul Soni, Advocate.
For Respondent/State	:	Mr. Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

20/03/2018

1. This is the first 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.30/2000 registered at Police Station– Jainagar, District– Surguja, Surajpur(C.G.) for the offence punishable under Sections 392 & 397/34 of the Indian Penal Code.
2. Learned counsel for the applicants submits that applicant is innocent and has been falsely implicated in this case. According to Panchnama recorded by the police during arrest of this applicant his statement has been recorded, in which, he has clearly stated that he had not participated in the alleged robbery of the bank. On the contrary, he was compelled by the co-accused person to accompany them because of which he got afraid and went away to his home place. No recovery has

been made from this applicant. No case is made out against this applicant. Hence, it is prayed that he may be enlarged on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that this applicant has been arrested after 17 years from the date of incident, as this applicant absconded immediately after the incident. No investigation could be done with respect to this applicant even then there is sufficient evidence for prosecution against this applicant, hence, he is not entitled for grant of bail.
4. Heard both the parties and perused the case diary.
5. On 3.3.2000 three unknown robbers looted Gramin Bank Village-Latori under the jurisdiction of Police-Station-Jainagar, Surajpur, in which, an amount of Rs.2,03,580/- was looted. During investigation, main accused Sudhir Choubey was arrested, who has in his memorandum statement named this applicant as the participant in the incident of loot. The charge-sheet has been filed after completion of investigation and as per information, the trial has been concluded against co-accused Sudhir Choubey, who has convicted and sentenced in this case.
6. Looking to this fact, that this applicant has remained in absconsion for almost 17 years. This itself is a ground on the basis of which, I do not feel inclined to grant bail to the applicant.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is rejected.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

