

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2295 of 2018

Brijesh @ Pankaj Kurre S/o Late Ravishankar Aged About 19 Years
R/o- Ashok Nagar, Khamtarai, P.S.- Sarkanda, District- Bilaspur,
Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through- The Station House Officer, Police
Station- Kota, District- Bilaspur, Chhattisgarh.

---- Respondent

For applicant - Shri N.K. Chatterjee, Advocate.
For Respondent/State –Smt. Madhunisha Singh, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

3/05/2018

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.308/2017 registered in Police Station Kota, District Bilaspur (C.G.) for offence punishable under sections 392, 34, 201 of IPC.
2. As per the prosecution case, a report was made by Ganesh Chandra that on 16/10/2017 while coming with some collection of cash amount two persons came in motorcycle and threw chilli powder on the eye and looted Rs.1,60,000/-. Thereafter, the applicant was arrested and put to test identification parade he was identified.
3. Learned counsel for the applicant submits that initially FIR was lodged against unknown persons and alleged incident happened at about 7.30 pm, therefore unless and until victim is been seen and identified at the time of incident, subsequent test identification parade cannot be said to be that of the accused, therefore the applicant may be released on bail.
4. Learned State counsel opposes the prayer for grant of bail.
5. Perused the memorandum statement of the applicant and from him

Rs.7000/- was recovered. Statement of the victim was recorded on 17/10/2017. He stated that he can identify the accused. Thereafter the applicant when was arrested was put to test identification parade, he was identified. Considering the same, this court is not inclined to release the applicant on bail.

6. Accordingly, the bail application is dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE