

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 2861 of 2018**

Johan Patel, S/o. Late Itwari Patel, Aged About 23 Years, Caste Patel, R/o. Village Hathitikra, Police Station and Tahsil -Janjgir, District -Janjgir Champa Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh, Through : The Station House Officer, Police Station Saragaon, District Janjgir Champa, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Vimlesh Bajpai, Advocate
For State/respondent	: Mr. Anil Pilley, Dy. A.G.

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****28/05/2018**

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.30/2018, registered at Police Station – Saragaon, District – Janjgir-Champa (C.G.), for the offence punishable under Section 458, 392, 34 of the Indian Penal Code.
2. As per the prosecution case on 25.02.2018, the applicant along with other co-accused has looted the amount of Rs.1,20,000/- from the complainant Umesh Yadav. Thereafter, on the basis of the mobile, which was fell down on the spot, the applicant was apprehended and

the part of the amount was seized.

3. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this. It is further submitted that the incident is of road accident, which has been given colour of loot and no offence has been committed and even the alleged identification is also defective. Therefore, it is prayed that the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. Perused the case diary and the statement of the complainant Umesh Yadav as also the identification parade. Taking into consideration the statement and the facts and circumstances of the case, this Court is of the opinion that present is not a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is rejected.

Sd/-
(Goutam Bhaduri)
Vacation Judge