

HIGH COURT OF CHHATTISGARH AT BILASPURM.Cr.C. No.6701 of 2017

Lunkaran Ostwal S/o Gulabchand Ostwal, aged about 22 years, R/o Nandai Kuaa Chowk, Thana Basantpur, District Rajnandgaon (C.G.).

---Applicant

Versus

State of Chhattisgarh, Through – The Police Station Kotwali, District Rajnandgaon (C.G.).

---Respondent

M.Cr.C. No.6930 of 2017

Sagar Gupta S/o Navin Gupta, aged about 19 years, R/o Nandai, Kuaa Chowk, Thana Basantpur, District Rajnandgaon (C.G.).

---Applicant

Versus

State of Chhattisgarh, Through – The Police Station Kotwali, District Rajnandgaon (C.G.).

---Respondent

For applicants	:	Shri Parag Kotecha, Advocate.
For resp./State	:	Shri Anand Dadariya, Dy.G.A.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

02/01/2018

1. The applicants has preferred this bail application under Section 439 of Cr.P.C. in connection with Crime No.258/2017 registered at Police Station Kotwali, District Rajnandgaon (C.G.) for the offence punishable under Sections 392, 120(B) & 201 of I.P.C.
2. The applicants are in jail since 28/04/2017.

3. The allegation against the present applicant as per the prosecution case is that, the present applicant and the other accused person is said to have looted the complainant's cash worth Rs.3,70,000/- and distributed the amount among them equally.

4. The counsel for the applicants submits that, the present applicants have already remained in custody for a period of about 8 months and that the offences are triable by Magistrate. He further submits that, the identification of the present applicants are doubtful for the reason that, as per the prosecution's case itself, the accused persons had come with a covered face and therefore the identification of the present applicants are highly doubtful. He further submits that, the motorcycle which is alleged to have been used for the commission of crime also was not registered in the name of any of the accused persons which also weakens the case of the prosecution and thus prayed for releasing the applicants on bail.

5. The State counsel however opposing the bail application submits that, though the only substantive evidence which is available is the C.C.T.V. footage which shows the present applicants who have come on a Motorcycle with their faces covered, but the fact that during the course of interrogation, the police authorities have been able to recover substantial amount of cash which was looted by the applicants and the remaining part of the amount is said to have used for the purchase of mobile phones and camera which were also recovered from the possession of the present applicants and thus prayed for rejecting the bail application.

6. Considering the facts and circumstances of the case, particularly taking into account the nature of offence so also considering the recovery which has been made from the possession of the present applicants, this Court does not find any strong case made out for grant of bail at this juncture.
7. Accordingly, the bail application stands rejected.
8. It is expected that the trial Court shall conclude the trial as expeditiously as possible.

Sumit

Sd/-
(P. Sam Koshy)
JUDGE