

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3253 of 2018

Suresh Singh, S/o. Laxman Singh, Aged About 50 Years, R/o.- Abhaypura,
P.S.- Sadabad, District- Hathras (U.P.).

---- Applicant

Versus

State Of Chhattisgarh, Through- Station House Officer, Police Station- Pandri,
District- Raipur, Chhattisgarh.

----Respondent

AND

M.CR.C. No. 5187 of 2018

Rameshwar Prasad Gound @ Pandit, S/o. Shri Rajendra Prasad Gound,
Aged About 27 Years, R/o. Village Aliyabad, Police Station -Raya, Distt.
Mathura, Uttar Pradesh.

---- Applicant

Versus

State Of Chhattisgarh, Through : The Station House Officer, Police Station
Pandri, District -Raipur Chhattisgarh.

---- Respondent

For Applicants	:	Mrs. Indira Tripathi, Advocate
For Respondent/State	:	Mr. Anupam Dubey, Dy. G.A.& Mr. Vinod Tekam, Panel Lawyer,

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

06/08/2018

- Both the bail applications are heard and decided together by this common order as they are arising out of the same crime number and the incident.

2. These are the first bail applications filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No.265/2016, registered at Police Station- Pandri, District – Raipur (C.G.) for the offence punishable under Section 392/397, 120-B read with Section 34 of the Indian Penal Code and Section 25 & 27 of Arms Act.
3. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case. Applicants are in jail since 11.11.2016. No case is made out against them according to the material present in the charge-sheet. It is submitted that one of the co-accused has been granted bail by this Court and both the applicants are similarly placed. Apart from that prosecution witnesses have not made specific identification of this applicants. The witness Pravin Nahata has though identified the applicant – Suresh Singh in examination in chief but has made a statement in rebuttal in his cross-examination. Applicants are in jail since long and the trial against hem is still not concluded. Hence, it is prayed that both the applicants may be enlarged on regular bail.
4. On the other hand, the learned counsel appearing for the State opposes the bail applications and the submission made in this respect. It is submitted that applicant – Suresh Singh is the main assailant, who fired the country made fire arm on the injured person and he has been identified in test identification parade, as well as before the Court by the main witnesses in this case. Another applicant namely Rameshwar Prasad was absconding, who was subjected to test identification parade after his arrest and he has also been identified by one of the witness in this case as person engaged in commission of crime in

question, hence, no case is made out for grant of bail. Hence, both the applications may be rejected.

5. I have heard the learned counsel for the parties and perused the documents placed on record.
6. The case against the applicants is this that on the date of incident, the complainant Pravin Nahata was shot and injured by a country made fire arm and the cash and scooter in his possession was looted by some unknown persons. During the investigation, the applicants in both the cases were apprehended and were subjected to test identification parade, in which they have been identified by the witnesses concerned.
7. Statement of the witnesses given before the trial Court can not be scrutinized and evaluated for the purpose of grant of bail. It is the privilege of the trial Court to scrutinize and give finding about the truthfulness or falsity of the statement given by the witnesses. Hence, after due consideration on all the material present in the case diary, this Court is of the opinion that present is not a fit case, in which, the applicants should be enlarged on regular bail.
8. Accordingly, the bail applications filed under Section 439 of Cr.P.C. are rejected.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge