

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 3518 of 2018**

Shankar Das S/o Bipat Das Aged About 28 Years Caste- Harijan, R/o-
Pahra, P.S.- Pareya, District- Gaya (Bihar)

---- Applicant**Versus**

State Of Chhattisgarh Through- District Magistrate, Korba, District- Korba,
Chhattisgarh.

----Non-applicant

For Applicant	:	Mr. Dharmesh Shrivastava, Advocate
For State	:	Mr. Chandresh Shrivastava, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order on Board****04/10/2018**

1. This is an application filed under Section 439 Cr.P.C. for grant of bail to the applicant, who has been arrested in connection with Crime No. 467/2016 registered at Police Station Kotwali, District Korba, Chhattisgarh for the offence punishable under Sections 395, 397, 342 & 201 of Indian Penal Code and Sections 25 & 27 of Arms Act.
2. The present applicant is in jail since 03.03.2017 in connection with the aforesaid Crime number.
3. The allegation against the present applicant is that the present applicant along with other co-accused persons is said to have committed dacoity in a Canara Bank at Korba branch on 21.09.2016 and thereby looted an amount of Rs.37,65,875/- and certain gold jewelries from the lockers. Subsequently in the course of investigation, two accused persons were arrested at Jharsugda (Orissa) and from their memorandum statement the applicant has been arrested and from the possession of the applicant Rs.6000/- in cash, a gold biscuit and a country made revolver was recovered.

4. The counsel for the applicant submits that the present applicant has been wrongly implicated in the present case and that the case of the prosecution, so far as the applicant is concerned, would not be sustainable as the entire case revolves around the memorandum statement of the co-accused. He further submits that the recovery made from the applicant also would not match the articles, which have been looted from the Bank and for this reasons, the applicant deserves to be released on bail. It was the further contention of the applicant that till date even the charge has not been framed and there is no likelihood of the trial being concluded at an earlier occasion and therefore the present applicant may be released on bail.
5. The State counsel however opposing the bail application submits that the present applicant was identified by the Branch Manger in the Test Identification Parade and moreover the cash amount and the gold biscuit, which have been recovered could also be the articles which have been looted from the Bank and considering the gravity of the offence, he prayed for rejection of the bail application.
6. Considering the entire facts and circumstances of the case, particularly taking note of the fact that the applicant has been identified by the Branch Manager in the Test Identification Parade, this Court is of the opinion that it is not a fit case for grant of bail at this juncture. Accordingly, the present application stands rejected.
7. The trial Court meanwhile is directed to ensure that the trial is expedited.

Sd/-
(P. Sam Koshy)
Judge