

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4652 of 2018**

Kamesh, S/o Rammurti Taylor, Aged About 28 Years, R/o- Near Balaknath Mandir, P.S. Khursipaar, Bhilai, District Durg, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Durg, District Durg, Chhattisgarh.

---- Non-Applicant

For Applicant	:	Shri Anurag Jha, Advocate.
For Non-Applicant/State	:	Shri V. B. Singh, P. L.

Hon'ble Shri Justice Sanjay Agrawal

Order On Board

10.09.2018

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure, 1973, for grant of bail, as the applicant, Kamesh, has been arrested on 18.03.2018 in connection with Crime No. 224/2018, registered in Police Station Kotwali Durg, District Durg (C.G.) for the offence punishable under Section 392 & 395 of the Indian Penal Code, 1860 (for short 'IPC, 1860').
2. The case of the prosecution is that, a complaint has been lodged by the complainant, Bhishma Patel on 16.03.2018 by alleging,

inter alia, that on the said day at 5:30 pm near new bus stand at Durg, the applicant along with other accused persons, while threatening to kill him, has snatched a Samsung Mobile Phone and a sum of Rs. 500/- from his pocket. Based upon the said report, the alleged offence has been registered against the applicant along with other accused persons in relation to the offence as mentioned aforesaid.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in connection with the aforesaid crime. He submits further that a very meager amount of Rs. 500/- has been snatched along with mobile phone from the complainant and since the charge sheet has already been filed, therefore, he may be enlarged on bail.
4. On the other hand, learned State counsel opposes the bail application and submits that the manner in which the offence has been committed, the applicant is not entitled to be enlarged on bail. He submits further that the offence is serious in nature, and therefore, the application as framed, deserves to be rejected.
5. I have heard learned counsel for the parties and perused the entire case diary carefully.
6. Having considered the facts and circumstances of the case and that by considering the manner in which the alleged offence has been committed on 16.03.2018 at 5:30 pm by snatching the said mobile phone along with a sum of Rs. 500/- from the complainant with the aid of other accused persons, I am not inclined to

enlarge the applicant on bail. The application is accordingly rejected.

Sd/-
(Sanjay Agrawal)
Judge

Deepti Jha