

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 6048 of 2018

- Kundan Gupta Alias Mukur Alias Guddu S/o Shri Shankar Gupta Aged About 26 Years Currently Residing At C/o Shri Shekhar Verma, Krishna Nagar, Police Station-Tikrapara, Tehsil And District- Raipur, Chhattisgarh. Permanent Address- Arurwa Khurd, Hariharganj, District- Palamu, Jharkhand., District : Palamu, Jharkhand

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, P.S.- City Kotwali, District- Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Non-applicant

For Applicant : Shri Sharad Mishra, Advocate.

For Non-applicant : Shri Ashok Swarnkar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar GuptaOrder On Board26.11.2018

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with crime No. 526/2016 registered at Police Station – City Kotwali, District- Mahasamund (C.G.) for the offence punishable under Sections 395, 397, 398 of the Indian Penal Code and Section 3, 25, 27 of the Arms Act.
3. Case of the prosecution, in brief is that the complainant was the General Manager of the Bihari Group of Liquor. He had rented house at College Road, Mahasamund. On 17.10.2016 in night the said complainant and his employees were sleeping in the said house. On 17.10.2016 at about 8:00 am four unknown face masked persons came in the house. Two persons had pistol like weapon. One person shot fire. Those unknown persons had looted collection amount of Rs. 16,86,592/-, one gold ring and one Samsung mobile phone from the said complainant.
4. Learned counsel for the applicant argued that the applicant has no criminal background, he is innocent, therefore, he shall be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application and submitted that one similar case has been also registered against the applicant.
6. As per the TIP the said complainant identified the applicant. As per the memorandum of the applicant one pistol, one empty cartridge, one country made pistol and four live cartridges have been seized.
7. Counsel for the applicant further submitted that some of the eye witness and seizure witness have not supported the prosecution case, the TIP is not reliable.
8. He drew my attention on the certified copy of the statement of para 4 and 7 of PW1 Vishwash Rao Maske.
9. These circumstances are the subject matter of scrutiny of the evidence which would be done by the trial Court at the time of disposal of the case. At this stage applicant does not get any help from them.
10. Looking to the facts and circumstances of the case, looking to the seriousness of the offence, looking to the impact of granting bail to the applicant on society, the present bail application is rejected. However, the trial Court is directed to expedite the trial for disposal of the case as soon as possible.

Sd/-

(Sharad Kumar Gupta)
JUDGE