

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 5867 of 2018**

1. Lochan Thakur S/o Bhog Singh Thakur, Aged About 30 Years, R/o Village Lahroud, Ward No. 04, Pithora, District Mahasamund, Chhattisgarh
2. Mannu Lal Thakur S/o Jam Singh Thakur, Aged About 41 Years R/o Village Lahroud, Ward No. 04, Pithora, District Mahasamund Chhattisgarh
3. Shivcharan Diwan S/o Bhagwat Ram Diwan, Aged About 40 Years, R/o Village Lahroud, Ward No. 04, Pithora, District Mahasamund, Chhattisgarh
4. Ishwar Thakur S/o Anand Ram Thakur, Aged About 40 Years, R/o Village Lahroud, Ward No. 04, Pithora, District Mahasamund, Chhattisgarh

---- Applicants**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Pithora, District Mahasamund, Chhattisgarh

---- Respondent

For Applicants	:	Shri Gurudev I. Sharan, Advocate
For Respondent/State	:	Ms. Sunita Jain, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****10/09/2018**

This is the first application filed u/s 439 of Cr.P.C. for grant of bail to the applicants who are in jail since 30.05.2017 in connection with Crime No. 105/2017 registered at Police Station- Pithoura, District Mahasamund (CG) for the offence punishable under Sections 398, 458/34, 394/34, 457 of IPC.

2. The allegation against the present applicants are that they along with other accused persons are said to have forcefully entered into the house of complainant Smt. Ritu Agrawal on the intervening night of 29/30.05.2018 and assaulted the complainant and her husband with hand and fists and also with an iron rod. The applicants had gone to the house of the complainant with an intention of committing robbery, however, because of scuffle between the complainant side and the applicants they could not succeed in committing robbery. The applicants are said to have gone wearing masks on their face and in the course of scuffle, the complainant could remove masks of two of the persons and the third person could be identified by his voice.

3. Counsel for the applicants submits that there are large scale of discrepancies in the statement of the complainant as compared with the facts which have come out in the FIR and also in the Rojnamacha Sanha and therefore the entire story of prosecution becomes doubtful. He submits that it is a case of false implication and that there is serious doubt whether there is a proper identification of the accused persons or not. He further submits that the timing of the incident is also doubtful, therefore, the applicants deserve to be released on bail.

4. State counsel, on the contrary, opposing the bail application submits that the bail application of similar accused namely Shravan Thakur in MCRC No. 5849/2017 has already been rejected by this Court on 27.11.2017 and the nature of allegation leveled against the applicants are far more greater than the allegation against the said accused person, therefore, the applicants do not deserve to be released on bail.

5. Considering the entire facts and circumstances of the case, particularly taking note of the fact that this Court in the case of co-

accused person has already rejected the bail application and the present applicants are the persons whose name has been reflected in the FIR itself and also in the statement of the complainant recorded on the same day, this Court is of the opinion that it is not a fit case for grant of bail to the applicants.

6. Accordingly, the application for grant of bail stands rejected.

**Sd/-
(P. Sam Koshy)
Judge**