

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 6983 of 2017**

- Shailendra Tiwari S/o Kunjeshwar Tiwari, Aged About 29 Years, Occupation Diver R/o Village Khamhar Police Station And Tahsil Dharamjaigarh District Raigarh Chhattisgarh., Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station Kamleshwarpur, District Surguja Chhattisgarh., Chhattisgarh

---- Non-applicant

For Applicant – Shri Vivek Kumar Pandey, Advocate.

For Non-applicant/State – Shri Vinode Tekam, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board**15-01-2018**

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court by the applicant for regular bail. The applicant has been arrested on 29-03-2015 in connection with Crime No.15/2015 registered at Police Station Kamleshwarpur, District Surguja, Chhattisgarh for the offence under Section 395, 398, 397 and 120(b) of the IPC.

2. It is submitted on behalf of the applicant that the applicant is in jail since 29-03-2015. He has been falsely implicated in this case. No case is made out against the applicant on the basis of material in the prosecution case. It is further submitted that out of the witnesses who have been examined before the trial Court, none have identified the applicant as one of the persons on the spot of incident and the independent witnesses of seizure also have not stated anything against the applicant. Hence, the applicant deserves to be enlarged on bail.

3. Learned counsel for the State/non-applicant opposes the

application and submission made. It is submitted that out of the list of 45 witnesses, so far 28 witnesses have been examined. The witnesses of seizure and the witnesses of investigation are remained to be examined by the trial Court. Hence, at this stage, it cannot be held that no case is made out against the applicant. It is also submitted that the bail of co-accused persons have been rejected by coordinate Bench of this Court and repeat bail application filed by them is pending before the coordinate Bench. Hence, for these reasons, the applicant is not entitled for grant of bail.

4. Heard learned counsel for the parties and perused the case diary.

5. This is a case of bank dacoity in which Rs.19,03,443/- was looted from the Central Bank of India Narmadapur on the date of incident. The allegation against the applicant is this that he had been facilitating the co-accused by providing them vehicle and other information for commission of the said offence.

6. Considering on the submissions made and contents of the case diary, I am of this view that this is not a fit case for grant of bail to the applicant.

7. Consequently, the application (MCRC No.6983/2017) filed by the applicant for grant of regular bail is hereby dismissed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge