

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 677 of 2019

- Robin Ekka (Actual Robince Ekka) S/o Robert Ekka, Aged About 22 Years, R/o Dhan Mandi Mopka, Police Station Sarkanda District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Sakri, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Non-applicant

For Applicant – Shri R.V. Rajwade, Advocate.

For Non-applicant/State – Shri Subhash Yadav, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

04-07-2019

1. Apprehending arrest in connection with Crime No.350/2018, registered at Police Station – Sakri, District Bilaspur, Chhattisgarh for offence punishable under Section 342, 395 of the IPC, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out. Initially the FIR Was lodged for offence under Section 392, 342 of the IPC which has been later on converted to Section 395 of the IPC which shows concoction of the case. Name of this applicant has appeared in the enquiry which is not based on any evidence admissible under the law. It is only the memorandum statement of co-accused which is being relied upon. Therefore, the application may be allowed.
3. Learned counsel for the State/non-applicant opposes the application.
4. Heard learned counsel for the parties and perused the case diary.
5. According to the FIR lodged, on the date of incident complainant Ashok Mishra was abducted by 4 to 5 persons and taken in a car who was assaulted and his possession of cash Rs.4500/- and mobile phone were looted by the said culprits.

6. So far two accused have been arrested and they made statement on memorandum naming this applicant as being participant in that commission of offence. Therefore, arrest and interrogation of this applicant is required in investigation of this case and as well as his identification is also necessarily to be done by the complainant. Hence, I do not feel inclined to allow this application.

7. Accordingly, the application filed by the applicant under Section 438 of the Cr.P.C. for grant of anticipatory bail is rejected.

Sd/-
(Rajendra Chandra Singh Samant)
Judge