

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3055 of 2019**

Kishan Dinkar, S/o Ramcharan Dinkar, aged about 21 years, R/o Prasbhattha Balco Nagar, Tahsil Korba Thana Balco Nagar, District Korba (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Police Station Balco Nagar, District Korba (CG).

---- Non-applicant

For Applicant	: Mr. Akhilesh Kumar, Advocate
For Non-applicant	: Mr. Vikram Dixit, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

08.05.2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court.
2. Perused the case diary provided by the counsel for the State in connection with Crime No.05/2019 registered in Police Station Balco Nagar, District Korba for the offence punishable under Section 394 read with 34 of IPC.
3. Case of the prosecution, in brief, is that on 04.01.2019 at about 2:15 hrs at RKTC Camp, Roomgarha, Main Road, three unknown persons beat complainant Irfan Ansari by hands and fists. They looted one mobile of Vivo company, cash Rs.24,000/- and a driving license from him. During test identification parade, the said complainant identified the applicant.
4. Counsel for the applicant submitted that the applicant has not committed any offence and has been falsely implicated in the case and as such the applicant may be released on bail.
5. On the other hand, counsel for the State opposed the bail application. However, he submitted that 07 other criminal cases, out of which, 06 cases under IPC and 01 case under CrPC have already been registered against the applicant in police case diary.
6. Looking to the facts and circumstances of the case, looking to this fact that 07 other criminal cases have already been registered against the applicant, this Court is not inclined to give benefit of Section 439 of the Cr.P.C. to the applicant. Consequently, the bail application is rejected.
7. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE