

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9895 of 2018**

- Vivekanand Singh S/o Jadubir Singh Aged About 20 Years R/o Village- Pachawal, Police Station- Balrampur, District- Balrampur- Ramanujganj, Chhattisgarh.

---- Applicant

Versus

- The State Of Chhattisgarh Through Police Station- Balrampur, District- Balrampur- Ramanujganj, Chhattisgarh.

---- Respondent

For applicant	Mr. A.K. Prasad, Adv. for applicant.
For Respondent/State	Mr. Arvind Shukla, PL.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****18-1-2019**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and his no bail application is pending before any other court.
2. The applicant has been arrested in connection with Crime No. 183/2018 registered in police station Balrampur, Distt. Balrampur, Ramanujganj, (CG) for offence punishable under Section 341, 294, 506, 323, 325, 394 of IPC.
3. Perused the case diary.
4. Prosecution story in brief is that on 21-9-2018 at about 9 pm at village complainant Dilip Singh was returning back to his village after celebrating Karma. Near Middle School, the applicant met him, abused him and assaulted by an iron rod on his head and leg as a result of which he fell unconscious and accused looted his Samsung mobile.
5. Counsel for the applicant argued that the applicant is innocent and falsely implicated. He further submits that alleged looted property has not been seized from him. Complainant Dilip had stated that alleged culprit told his name as Sandeep. In the circumstances he may be released on bail.
6. On the other hand, the State Counsel opposed the bail application. However, he submits that in the case diary no criminal antecedent of the applicant is reported.

7. In the statement of Nandbaba and Mahendra, they have clearly stated that they had seen the applicant beating the complainant and committing robbery.
8. Mere non-seizure of the robbed article prima facie does not falsify the entire prosecution case.
9. Looking to the facts and circumstances of the case, looking to the seriousness of the alleged offence and also the impact of granting bail on the society, this Court is not inclined to grant bail to the applicant.
10. Consequently, the MCRC is dismissed.

Sd/-
(Sharad Kumar Gupta)
Judge