

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 4484 of 2020**

- Roshan Yadav S/o Shyam Bihari Yadav aged about 28 years, R/o Rajivnagar ward No. 5, Supela, District-Durg, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : Station House Officer, Police Station Pulgaon, District-Durg, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Aman Pandey, Adv.
For Respondent/State	:	Ms. Sunita Jain, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****18/09/2020**

1. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 34/2020 registered at Anjora Chowki, Police Station Pulgaon, District-Durg (C.G.) for the offence punishable under Sections 394 and 397 of IPC.
2. The prosecution story, in brief is that, on 23.01.2020 the applicant along with other co-accused persons stopped the complainant, driver of the truck, at Anjora where they assaulted him to said that the complainant had a fight at the Hotel. It is also alleged that the applicant along with other co-accused assaulted to the complainant and flew with his truck which had G.I. wires worth of Rs. 11 lakh. Based on this offence has been registered and the present applicant has been taken into custody on 24.01.2020.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that there are glaring

contradictions in the statements given by the complainant and the alleged witnesses given under Section 161 of Cr.P.C. and bare perusal of the same would prove that the applicant has not committed any alleged offence. He next submits that the applicant is in jail since 24.01.2020, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.

4. On the other hand, counsel for the State opposes the bail application submitting that the applicant did a very serious offence, and there is a previous case of loot against the applicant, therefore, it is not a fit case to release him on bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, especially nature and gravity of crime in question, at this stage, I am not inclined to release him on bail.
7. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is rejected.

Sd/-
(Rajani Dubey)
Judge