

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6209 of 2020**

- Subhash Nirmalkar @ Bauva S/o Jai Ram Nirmalkar (wrongly written as Gaya Ram Nirmalkar), Aged About 20 Years R/o Rawanbhatha, Near Jaithkam, Supela, Bhilai, Tahsil And District Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The District Magistrate Durg District Durg Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Shikhar Sharma, Advocate.
For State	:	Mr. Dinesh R.K. Tiwari, Dy. G.A.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****20/10/2020**

Heard.

1. The applicant has moved this application for grant of bail as he is arrested in connection with Crime No.284/2020 registered at Police Station- Chhawani, District- Durg, C.G. for the offence under Sections 394 & 397 of IPC.
2. Prosecution case is that the applicant and other co-accused looted in the night. From the possession of the applicant, cash is alleged to have been seized and according to prosecution, he has also been identified by the victim.
3. Learned counsel for the applicant submits that on the date of the incident, number of persons are alleged to have been looted in the night at different places and the applicant was taken into custody only on suspicion and only on the basis of false recovery and doubtful identification, he has been involved. It is also argued that the manner in which, the applicant was taken into custody, time and date on which arrested is affected and recovery and identification made against him in connection with another case while he was in custody in another case, makes entire case of the prosecution extremely doubtful and a case of false implication. It is also submitted that investigation is complete and charge sheet has been, therefore, at this stage, the applicant may be granted

bail.

4. On the other hand, learned State Counsel opposes and submits that the applicant and co-accused have involved in as many as three cases of the loot in the night from different persons on the highway. He would submit that in all the cases, recovery has been made and the applicant has been identified.
5. Taking into consideration the submissions of learned counsel for the parties, particularly taking into consideration that there is allegation of looting number of persons on the highway and that the applicant has been identified in all the cases as one of the accused, present is not a fit case for grant of bail.
6. The bail application is accordingly rejected.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Ravi