

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1631 of 2021**

Jai Prakash Dubey S/o Raj Kumar Dubey Aged About 40 Years R/o Ward No. 14, Loharanaka, Kawardha, Police Station And Tehsil - Kawardha, District - Kawardha, Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh Through Station House Officer, Police Station - Sahashpur Lohara, District - Kabirdham, Chhattisgarh.

---- Non-applicant

 For Applicant : Shri Siddharth Shukla, Advocate
 For Non-applicant/State : Ms. Anjali Singh Chouhan, P.L.

(Proceedings through Video Conferencing)**Hon'ble Shri Justice Parth Prateem Sahu****Order on Board****08.07.2021**

1. This is first application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to applicant, who is in custody since 21.01.2021 in connection with Crime No.16 of 2021 registered at Police Station Sahashpur Lohara, District Kabirdham (Kawardha), C.G. for commission of the offence punishable under Sections 341, 394, 34 of Indian Penal Code.
2. Case of the prosecution is that, on 21.01.2021 complainant Nand Ram went to District Co-operative Bank Lohara to withdraw the amount of sale of paddy along with her grandfather Aghnu Ram and neighbour Sanuk Lal.

Grandfather of the complainant withdrawn Rs.34,500/- and Sanuk Lal withdrawn Rs.30,000/- from their accounts. After withdrawal of the amount, they came to Bus Stand for taking breakfast. On the way, present applicant along with Somlal alias Somnath Yadav came on motorcycle Pulsar, overtaking them near Ghanikhuta Ghat have stopped the complainant's motorcycle and stated that they are the police persons and wanted to check their dikki. Thereafter, they opened the dikki, took out the amount of Rs.64,500/- and two pass-books and also snatched the mobile of the complainant and fled away. The incident was reported to concerned Police Station, based upon which, aforementioned crime was registered initially against the unknown person.

3. Shri Siddharth Shukla, learned counsel for the applicant submits that there is no material against the present applicant to implicate him in the instant crime. He further submits that there is only memorandum statement of accused himself, based on which, he has been implicated in this crime.
4. Ms. Anjali Singh Chouhan, learned Panel Lawyer representing the State while opposing the submissions made by learned counsel for the applicant submits that the complainant Nand Ram in his statement recorded under Section 161 of the Cr.P.C. has stated the number of motorcycle, on which, the accused persons have come to

them and after robbing the money and mobile phone, ran away. The motorcycle with the number as stated by the complainant has been seized from the possession of present applicant. She further submits that from co-accused, two pass-books of the grandfather of the applicant and his neighbour were also seized along with some cash. It is contended that applicant along with other co-accused is involved in similar crime registered in Police Station Singhampuri, hence, present applicant is not entitled for grant of bail.

5. I have heard learned counsel for the parties.
6. Taking into consideration the nature of allegations, seizure of motorcycle from the possession of present applicant, of which, number has been disclosed by the complainant in his statement recorded under Section 161 of the Cr.P.C. and other similar nature of offence registered against the present applicant, I am not inclined to enlarge the present applicant on bail. Accordingly, bail application is dismissed.

Sd/-

(Parth Prateem Sahu)
Judge