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**HIGH COURT of CHHATTISGARH, BILASPUR****MCRC No. 1663 of 2021**

- Jeetu Pan @ Pappu Pan son of Late Dinger Pan, aged about 22 years, resident of near Mandi Gate, Pandri, Police Station- Mowa, Raipur, Tahsil & District- Raipur

**-----Applicant****VERSUS**

- State of Chhattisgarh through: SHO, police station Mandir Hassaud, District Raipur, Chhattisgarh

**-----Non-applicant**


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| For Applicant            | : Mr. Pradeep Singh Rathore, Advocate |
| For Non-applicant/ State | : Mr. Vimlesh Bajpai, Govt. Adv.      |

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**Hon'ble Shri Parth Prateem Sahu, Judge*****(proceedings through video conferencing)*****ORDER****02/08/2021**

1. Applicant has filed this application under Section 439 of CrPC for grant of regular bail as he has been arrested in connection with Crime No. 193/2020 registered at Police Station Mandir Hassaud, District Raipur (C.G.) for the offence punishable under Section 395 of IPC.
2. Case of the prosecution is, that on 10.06.2020, complainant Anil Bhardwaj along with conductor/ cleaner Rahul Bhardwaj, after loading his truck bearing registration number WB 23B 8702 with chocolate, was on the way to Asansol, Kolkata. When they reached near Mandir Hassaud, Raipur and stopped in front of Reliance Petrol Pump, Umariya to answer nature's call at about 01:30 am in the night, some persons came there in white color car. Six persons came out from the car, caught hold the complainant/ driver and the conductor of the truck and searched them, some persons searched inside the truck as well. They have looted mobile phones of both driver and conductor and also taken Rs. 20,000/- with the truck on the point of knife. Thereafter, Complaint was lodged, based on which initially offence under Section 379 IPC was registered. Subsequently, based

on the secret information, when the truck was seized near forest barrier of Gatapar, Rajnandgaon, offence under Section 395 IPC was registered against the present applicant along with others.

3. Mr. Pradeep Singh Rathore, learned counsel for the applicant would submit that the applicant has been arrested on the basis of memorandum statement of co-accused. No seizure has been made of any incriminating article like any weapon used at the time of incident. He submits that Ajay Dewangan and Uttam Chakrawarti have been enlarged on bail by this Court. Uttam Chakrawarti has been enlarged on bail in MCRC No. 9013/2020 vide order dated 21.01.2021 and the case of present applicant is also on the identical footing as of Uttam Chakrawarti. He further submits that applicant is in jail since 16.06.2020, hence he may enlarged on bail.
4. On the other hand, Mr. Vimlesh Bajpai, learned State counsel, opposes the submissions made by the learned counsel for the applicant and submits that the offence committed by the present applicant is serious in nature, they have looted the truck on national highway in midnight. He further submits that the present applicant was put to identification parade where complainant has identified him as one of the accused persons who is involved in commission of crime. He further pointed out that the case of co-accused Uttam Chakrawarti is on different footing as the co-accused has not put to identification parade, not identified by the complainant. He pointed out that there is seizure of mobile phone as well from the possession of present applicant.
5. I have heard learned counsel for the respective parties.
6. Taking into consideration the nature of allegation levelled against the present applicant, he was identified by the complainant to be one of the co-accused persons involved in the commission of crime and seizure of mobile phone from his possession, I am not inclined to allow the bail application.
7. Accordingly, the bail application is hereby dismissed.

Sd/-  
**(Parth Prateem Sahu)**  
Judge