

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2065 of 2021

Swayam Bahidar, S/o. Drupat Bahidar (wrongly mentioned as Dukhat Bahidar) Aged About 23 Years, R/o. Tamnar, Bazar Para, Police Station And Tahsil Tamnar, District Raigarh Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Officer In Charge Police Station Kapu, District Raigarh Chhattisgarh.

---- Respondent

For Applicant : Mr. Ashutosh Mishra, Advocate

For Respondent : Mr. Pawan Kesharwani, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

ORDER

20.07.2021

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.10/2020 registered at Police Station- Kapu, Distt. Raigarh, for the offence punishable under Section 395 of Indian Penal Code.
2. As per the prosecution case, on 14.02.2020 the applicant along with others entered into the house of the complainant Horilal and thereafter looted the household and other items from the shop including the cash at the knife point.
3. Learned counsel for the applicant would submit that the complainant has been examined and nothing has come on record to inculcate the present applicant, therefore, the applicant may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.

5. After perusal of Para 10 of the cross-examination, which shows that the identification has been carried out, at this stage, I am not inclined to interpret the evidence and it is left open for appreciation by the trial Court. Taking into the fact and the nature of allegation and further considering the fact that the evidence is already going on, no considerable delay has caused, I am not inclined to grant bail to the applicant and accordingly the bail application is rejected.

Sd/-
(Goutam Bhaduri)
Judge