

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 3202 of 2021

- Bhola Singh Verma, S/o Manharan Singh, Aged About 22 Years, Resident of Village Sindhuri, Thana Bemetara, District Bemetara, Chhattisgarh. **---- Applicant**

Versus

- State of Chhattisgarh, Through- The Station House Officer, Police Station Simga, District Baloda Bazar- Bhatapara, Chhattisgarh.

---- Non-Applicant

For Applicant : Shri Vikas Pandey, Advocate
For Non-Applicant/State : Shri C.B. Kesharwani, P.L.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

27.07.2021

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 15.03.2021 in connection with Crime No.124/2021 registered at Police Station- Simga, District- Baloda Bazar- Bhatapara (C.G.) for the offence punishable under Section 394, r/w Section 34 of IPC.
- 2) Case of the prosecution, in brief, is that the prosecutrix used to talk with an unknown person (applicant herein) through mobile phone and on 07.03.2021 she went out from her home in the name of treatment of her jeth (brother-in-law). At that time the applicant alongwith co-accused person who were at the bus stand, called the victim/complainant, on which she came to bus stand, she sat on the motorcycle with them and went towards Chaurenga Village. On the way the motorcycle was stopped at Marghatti, the accused persons took the victim/complainant to pit side (gaddha), looted her golden ornaments of the victim,

assaulted her with a sharp weapon and also petrol was sprinkled on her body by them and thereafter the accused persons fled away.

- 3) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question, he further submits that the applicant has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding, the applicant has been arrested on 07.03.2021, nothing has been seized from the applicant and due to Covid-19 trial is likely to take some time for its final disposal. Therefore, the applicant be released on bail by this Court.
- 4) On the other hand, learned counsel for the Non-Applciant/State opposes the bail application and submits that the applicant assaulted the victim/complainant with sharp weapon, looted her golden ornaments and also poured petrol on her body.
- 5) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the nature of allegation made against the present applicant, nature of injuries sustained by the complainant, the manner in which offence has been committed by the applicant and other material available in the case diary, without commenting anything on merits of the case, I am not inclined to grant bail to the present applicant.
- 6) Accordingly, the bail application filed by the applicant is rejected.

Sd/-

(Gautam Chourdiya)
Judge