

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4710 of 2021**

Devraj Majumdar S/o. Shri Nitai Majumdar Aged About 33 Years By
Caste Namoshudra, R/o. Village - P.V. 37, Roopnagar, Thana and
Tahsil- Pakhanjoor, District - North Baster Kanker (Chhattisgarh)
(Wrongly Mentioned as Pakhanjor), **--- Applicant**

Versus

State of Chhattisgarh through Station House Officer, Police Station-
Pakhanjoor, District- North Baster Kanker (Chhattisgarh).---
Respondent

MCRC No. 4717 of 2021

Shishir Mandal S/o Shri Nanigopal Mandal, Aged About 30 Years By
Caste Namoshudra, R/o. Village - P.V. 25, Ramkrishnapur, Thana
And Tahsil - Pakhanjoor, District - North Baster Kanker Chhattisgarh.
(Wrongly Mentioned Pakhanjore) **--- Applicant**

Versus

The State of Chhattisgarh through Station House Officer, Police
Station - Pakhanjoor, District - North Baster Kanker Chhattisgarh. ----
Respondent

For the applicants	:	Mr. Sunil Sahu, Advocate.
For the Respondent	:	Mr. Pawan Kesharwani, P. L.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

26.07.2021

1. These are second bail applications filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicants in Crime No. 63/2020 of Police Station Pakhanjore, Distt. Uttar Bastar (C.G) for the offences punishable under Sections 392 & 457 r/w sec. 34 of IPC. The first bail applications were dismissed on 15.12.2020.
2. As per the prosecution case, the applicants along-with other accused entered into the house of complainant namely Rewa

Bagchi who is aged about 65 years and robbed gold chain and cash of Rs.20,000/- and subsequently gold chain was recovered from applicant Devraj Majumdar, which was identified and Rs.2000/- was recovered from Shishir Mandal.

3. Learned counsel for the applicant submits that the complainant has been examined and the applicants have not been identified and in her examination it is stated that she could not recognize the applicants/accused who forcibly entered into her house along-with other accused Amit and committed the offence of robbery. He further submits that the applicants are in jail since 23.06.2020, therefore, they may be enlarged on bail.
4. Per contra, learned State Counsel opposes the bail application and would submit that as per the *Panchnama*, from the possession of the present applicant, the looted gold ornament was recovered by the Police and thereafter the said article has been identified and proved by the present complainant.
5. Having considered the statement of complainant, I do not find any change of circumstances to reconsider the grant of bail to the applicants as the ornament which was looted has been recovered and subsequently identified and proved by the complainant.
6. Accordingly, the applications are rejected.

Sd/-

GOUTAM BHADURI
JUDGE