

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5087 of 2021

1. Babulal Agariya S/o Birjhu Agariya, Aged About 22 Years, R/o Ramnagar, Police Station Basantpur, District Balrampur-Ramanujganj (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through Station House Officer, Out Post Wadrafnagar, Police Station Basantpur, District Balrampur-Ramanujganj (C.G.).

---- Non-Applicant

For Applicant : Mr. Ram Narayan Sahu, Advocate.
For Non-Applicant/State : Mr. Shreshtha Gupta, P.L.

Hon'ble Justice Shri Gautam Chourdiya
Order on Board

03/08/2021

- 1) The matter is heard through video conferencing.
- 2) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in custody since 25/12/2020 in connection with Crime No. 112/2020, registered at Out Post Wadrafnagar, Police Station Basantpur, District Balrampur-Ramanujganj (C.G.) for the offence punishable under Sections 450, 307, 394, 34 of Indian Penal Code.
- 3) As per the prosecution case, in the night intervening 1-2 August 2020 at 1 O'clock two unknown persons entered the house of the complainant's parents where his parents were also running a Grocery Shop as well as selling fruits, vegetables and after committing Maarpet with his parents, the accused persons looted away Rs. 17,000/-. The complainant having come to know about the incident went to his parents' house, took them for

medical treatment to Govt. Hospital Wadrafnagar and after primary treatment they were referred to Govt. Medical College, Ambikapur. On complaint being lodged by the complainant Rajkumar Maravi the aforesaid offences were registered against unknown persons and during investigation the present applicant and co-accused Arjun Aghariya were arrested. On their memorandum statement they admitted the commission of aforesaid crime.

- 4) Learned counsel for the applicant submits that the applicant is an innocent person and has been falsely implicated in this case merely on the basis of suspicion. He submits that the applicant is in jail since 25/12/2020, charge sheet has been filed, there is no apprehension of his absconding or tampering with the evidence of the prosecution, due to COVID-19 pandemic, conclusion of the trial is likely to take some time. Therefore, the applicant be released on bail.
- 5) On the other hand, learned counsel for the State opposes the bail application.
- 6) I have heard the learned counsel appearing for the parties.
- 7) Considering the facts and circumstances of the case, the nature of allegation made against the present applicant, the gravity of the offence, the injury caused by the applicant to the victims, the memorandum statement of the applicant and seizure of iron rod as well as the remaining looted amount on his disclosure, other material available on record, without commenting anything on merits of the case, this Court is not inclined to release the applicant on bail. Accordingly, the application is **rejected**.

-Sd/-
(Gautam Chourdiya)
Judge