

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7675 of 2020**

- Dileep (wrongly mentioned as Dilip in the order sheet) Chandravanshi S/o Shri Dwarika Prasad 9as per charge-sheet) Chandravanshi Aged About 37 (wrongly mentioned 40 in the order sheet) Years R/o Village Doukabandha, Police Station Pipariya, Tahsil Kawardha, District Kabirdham Chhattisgarh. Present Address Ward No. 02, Ramnagar, Kawardha, Police Station Kawardha, District Kabirdham Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Pandatarai, District Kabirdham Chhattisgarh.

---- Respondent

For Applicant.	:	Mr. Dharmesh Shrivastava, Advocate.
For Respondent/State	:	Ms. Ishwari Gritlahare, PL

Hon'ble Smt. Justice Rajani Dubey**Order on Board****04.02.2021**

The applicant has filed **Second Bail Application** under Section 439 of the Code of Criminal Procedure for grant of regular bail in connection with Crime No. 135/2020 registered at Police Station : Pandatarai, District Kabirdham (C.G.) for the offence punishable under Sections 394, 414, 120-B, 34, 397 (as per challan) of the IPC and Section 25 of the Arms Act.

The earlier bail application of the applicant was dismissed by this Court on 23.09.2020 passed in MCRC No. 5948/2020 and a liberty was given to the applicant to revive the same after examination of material witnesses.

As per the prosecution case, the allegation against the present

applicant is that he along with co-accused person overtook the motorcycle of complainant, who was carrying sum of Rs. 71,56,000/- with his friend as per the direction of Rice Mill Owner namely Dilip Kumar Agrawal, pushed their vehicle by his leg due to that the complainant and pillion rider fell on the road. Thereafter, applicant with co-accused person, after throwing Chilly Powder on complainant's face, took their money bag and a mobile phone and ran away from there.

Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He would contend that as per the prosecution story the report was lodged against unknown persons who were riding unnumbered motorcycle and one Activa, which is not related to the present applicant, thus, there is no role of the applicant in crime in question. As per the memorandum of the applicant, a sum of Rs. 10,00,000/- and a mobile phone was seized from the possession of applicant, therefore, as per the entire allegation offence under Section 414 of IPC would be made out against the present applicant, which is bailable and triable by learned Judicial Magistrate First Class. He added in his submission that at the time of incident i.e. 09.07.2020 at about 8:45 AM the present applicant was on duty at Police Line Kawardha, therefore, it is clear that he has been falsely implicated in the crime in question. He next added that the applicant is in jail since 10.07.2020 and he is ready to furnish adequate surety and shall abide by all the conditions and directions, which may be imposed by this court, therefore, the present applicant may be released on bail.

Per contra, State counsel opposes the bail application and submits that a sum of Rs. 10,00,000/- and a mobile phone was

seized from the possession of applicant which shows his involvement in crime in question, therefore, he may not be granted bail.

I have heard learned counsel for the parties and perused the case diary.

Considering the totality of the facts and circumstances of the case, nature and gravity of the case, at this stage, I am not inclined to release him on bail.

Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is rejected.

**Sd/-
(Rajani Dubey)
Judge**