

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7824 of 2021**

Vikky @ Vivek Rathore S/o Ramadhar Rathore, aged about 20 years, Caste Rathore, R/o Ralia, Police Station hardibazar, District Korba (C.G.).

---- Applicant

Versus

State of Chhattisgarh through: District Magistrate Janjgir-Champa, Police Station Baloda, District Janjgir Champa (C.G.).

---- Respondent

For Applicant : Mr. S.B. Pandey, Advocate
For Respondent : Ms. Seema Dixit, PL

Hon'ble Shri Justice Deepak Kumar Tiwari

Order on Board

25/10/2021

Heard.

1. The applicant has preferred this first Bail Application under Section 439 of Code of Criminal Procedure, 1973 in connection with Crime No. 96/2021 registered at Police Station- Baloda, District Janjgir-Champa (C.G.) for the offence punishable under Sections 392 and 411/34 of the IPC.
2. Case of the prosecution in brief is that on 24/03/2021 Complainant Lakhan Lal Soni (henceforth 'the Complainant') was returning from Khaija weekly market along with his brother-in-law Rahul Soni from his motorcycle. When they reached near Dongari turn point, three unknown persons came and looted the bag in which gold and silver ornaments were kept. Offence was registered and the applicant was arrested on 15/06/2021.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. The police has seized only Rs. 1800/- on the memorandum statement of the applicant. The applicant is aged about 20 years, he is in jail since 15/06/2021 and trial is likely to take some time, therefore, he prays to release the applicant on bail.
4. On the other hand, learned counsel for the State opposes the bail application and submits that all the accused persons were identified during the test identification parade by the Complainant and the police official also recovered looted articles from the other accused persons, therefore, the bail application be rejected.
5. I have heard learned counsel for the parties.
6. Considering the facts and circumstances of the case, particularly the fact the complainant has identified the accused persons during test identification parade and further looking to the recovery of looted articles made from the other accused persons, this Court is not inclined to enlarge the applicant on bail.
7. Accordingly, the bail application is dismissed.

Sd/-
(Deepak Kumar Tiwari)
Judge