

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8022 of 2021**

- Birendra Adil @ Manku S/o Tijelal Aged About 19 Years R/o Village Kobiya, Ward No. 9, Tahsil Police Station And District Bemetara Chhattisgarh

---- Applicant (In jail)**Versus**

- State Of Chhattisgarh Through The Police Station Bemetara, District Bemetara Chhattisgarh

---- Respondent

For Applicant	: Shri Kalpesh Ruparel and Shri Puneet Ruparel, Advocates
For Respondent/State	: Shri Sudhir Sahu, PL

Hon'ble Shri Justice Parth Prateem Sahu**Order on Board****21.12.2021**

1. Applicant has preferred this application under Section 439 of CrPC for grant of regular bail as he was arrested in connection with Crime No.642 of 2021 registered at Police Station- Bemetara, District- Bemetara, Chhattisgarh for the offence punishable under Sections 394, 427, 323 and 34 of the IPC.

2. Case of the prosecution, in brief, is that, on 04.09.2021 one Vikas Kumar Goel lodged written complaint in concerned Police Station stating therein that when he was returning on his Motorcycle bearing No.CG25K-3908 from Bemetara to his house along with his nephew Dhanraj, pillion rider, reached near village Mudpar road, applicant along with other two co-accused persons have stopped them. Applicant assaulted complainant on his back by means of club, other persons snatched cash amount of Rs.5,500/- from complainant and Rs.1,500/- from Dhanraj. They also snatched mobile phone of complainant and damaged it by smashing it on road. Accused persons also robbed their Motorcycle and ran away. Aforementioned crime has been registered against applicant and other co-accused persons namely, Shiva Nirmalkar, Akash Sharma and they were arrested.

3. Shri Kalpesh Ruparel, learned counsel for the applicant would submit that there is no allegation against applicant of robbing money or Motorcycle. Motorcycle was seized from possession of Akash Sharma and allegation of robbing cash amount is against Shiva Nirmalkar and Akash Sharma and not against present applicant. Applicant is a young boy, aged about 19 years and he is in jail since 06.09.2021.

4. Shri Sudhir Sahu, learned State counsel opposing the submissions of learned counsel for the applicants, submits that all three accused persons with an intention of robbery, stopped complainant and Dhanraj. When complainant stopped his Motorcycle by the side of road, he was assaulted by applicant by means of club. It is appearing from statement of complainant as well as his nephew that they snatched cash amount, damaged Mobile phone and also snatched Motorcycle and ran away. There is eyewitness to the incident by name, Krishna Kumar Mishra, who saw the applicants quarreling with complainant. There is one other criminal antecedent mentioned in case-diary against applicant under Section 394 of the IPC in the year 2021. Hence, he is not entitled for bail.

5. I have heard learned counsel for the parties.

6. Taking into consideration facts and circumstances of the case, nature of allegations, the fact that there is criminal antecedent against appellant of similar nature of offence of the year 2021, I do not find present to be a fit case to enlarge the applicant on regular bail. Accordingly, bail application is dismissed.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE