

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8721 of 2021**

1. Sunil Mishra S/o Shri Suresh Mishra, Aged about 27 years,
 2. Karam Mishra, S/o Shri Suresh Mishra, Aged about 22 years,
- Both the applicants are R/o Sevta Para, Ward No. 07, Dongargaon, P.S. Dongargaon, District Rajnandgaon (C.G.).

----Applicants**Versus**

State Of Chhattisgarh through Station House Officer, Police Station Ambagarh Chowki, District Rajnandgaon (C.G.).

---- Respondent

For Applicants	:	Mr. Surfaraj Khan, Advocate
For Respondent	:	Mr. Bhupendra Banjare, Advocate

Hon'ble Shri Justice Deepak Kumar Tiwari**Order on Board****16/12/2021**

Heard.

1. The applicants have preferred this third bail application under Section 439 of the Code of Criminal Procedure, 1973 in connection with Crime No. 149/2020 registered at Police Station- Ambagarh Chowki, District Rajnandgaon (C.G.) for the offence punishable under Sections 394, 395, 341, 120-B, 506, 34 of the IPC.
2. First bail application of the applicants had been dismissed on merits vide order dated 15/12/2020 passed in MCRC No. 7718/2020 by the coordinate bench of this High Court. Thereafter, the applicants had preferred a second bail application which had also been dismissed vide order dated 18/06/2021 passed in

MCRC No. 3542/2021 reserving a liberty in favour of the petitioner to revive the bail application if there is no material progress in trial in the next three months.

3. Case of the prosecution that the applicants along with other co-accused persons had committed the act of dacoity and looted the jewelry and motorcycle of the Complainant Gopendra Gupta.
4. Learned counsel for the applicant submits that the applicants are innocent and have been falsely implicated in the present case. The applicants are in jail since 09/09/2020, they have no criminal antecedents, a liberty was granted by the coordinate bench of this Court to revive the bail application if no material progress is done in trial and at present only few prosecution witnesses have been examined by the trial Court, therefore, he prays to release the applicants on bail.
5. On the other hand, learned counsel for the State opposes the bail application.
6. I have heard learned counsel for the parties.
7. Considering the facts and circumstances of the case, particularly considering the statement of Complainant Gopendra Gupta (PW3) who has identified the applicants in dock identification and stated that the applicants had committed the crime, therefore, this Court does not find present to be a fit case where the applicants should be enlarged on bail.
8. Accordingly, the bail application is rejected.

Sd/-
(Deepak Kumar Tiwari)
Judge