

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6633 of 2015

Mukesh Gupta S/o Surendra Gupta, Aged About 33 Years R/o C. Type
Godripara, Police Station - Chirmiri, Civil & Revenue Distt. Korea
(Chhattisgarh)

---- Applicant

Versus

State Of Chhattisgarh Through, The Station House Officer, Police
Station - Pondi, Distt. Korea (Chhattisgarh)

---- Respondent

For Applicant	:-	Mr. Awadh Tripathi, Advocate
For Respondent/State	:-	Mr. Ramakant Mishra, Dy. A.G.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

07/12/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 71/2015, registered at Police Station – Pondi, District- Korea (C.G.) for the offence punishable under Sections 394/34 of IPC.
2. As per prosecution case, a report was lodged on 10.06.2015 at about 11 PM by one Sunil Kumar Thakur alleging that when he was coming from his maternal uncle home to his shop on the way at village Sarbhoka Main Road some known persons including the applicant intercepted thereafter they were assaulted him with *Danda* and *Tangi* and looted Rs. 2700/- and a golden chain of ½ tola from him. Subsequently, a report was made against this applicant and on the basis of the above report, the offence punishable under sections 394/34 of IPC was registered against the applicant and from the possession of the him 3.9 gram chain was recovered.

3. Counsel for the applicant submits that the applicant is innocent and he has been falsely implicated in this case. He further submits that neither the evidence is available against the applicant nor he has been identified by the victim as to connect the present applicant with the incident and considering the role played by the applicant he may be enlarged on bail.
4. Per contra State counsel opposes the prayer for grant of bail.
5. Perused the case diary wherein no identification parade was made by the prosecution; either of person or ornaments; further considering the fact that the charge sheet in this case has been filed and the fact that the applicant is in jail since 14.06.2015. Considering the fact for the purpose of bail without any observation on merit, this Court is of the opinion, that present is a fit case, in which, the applicant should be enlarged on regular bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-

(Goutam Bhaduri)
Judge