

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 125 of 2016

Himalaya Nayak, son of Devendra Nayak, aged about 19 years,
resident of Lohar Basti, near Purana Chirghar, Arjun Nagar, Police
Station – Gol Bazar, Raipur, District Raipur (C.G)... **Applicant**

Vs.

State of Chhattisgarh, through Station House Officer, Station House
Officer, Police Station Civil Line, Raipur Distt. Raipur (C.G).
... **Respondent**

For the applicant	:	Mr. L.C. Dash, Advocate.
For the Respondent	:	Mr. Ashutosh Pandey, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

25.01.2016

1. This is an application filed u/s 439 of the Code of Criminal Procedure seeking granting of regular bail to the applicant in connection with Crime No.632 of 2015 registered at Police station Civil Lines, Raipur, District Raipur (C.G) for the offences punishable under section 392 of IPC.
2. As per the prosecution case, on 15.10.2015 the applicant has looted cash of Rs.370/- and a mobile from complainant Abhishek Nag while he was going to Pandri Market to make purchase.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the case because of a small accident whereby a dispute arose between the applicant and complainant and this case has been registered as an out of that petty incident and the applicant has not committed any loot. He further submits that there is no identification in this case and the charge sheet has already been filed. He further submits that the applicant is in jail since 16.10.2015 and prays for releasing him on bail.

4. Per contra, learned State Counsel opposes the prayer for grant of bail.
5. Perused the case diary and other documents.
6. Taking into the nature of offence and degree allegations levelled against the applicant as also considering the fact that the charge sheet in this case has been filed and further looking to the period of detention as the applicant is stated to be in jail since 16.10.2015, I am inclined to release him on bail.
7. Accordingly, this bail petition is allowed and the applicant is directed to be released on bail on his furnishing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He shall appear before the trial Court as and when directed by the said Court.
8. Cc as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**