

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3808 of 2016

Tribhuvan Singh, S/o. Joydha Ram Rathiya, Aged About 35 Years, R/o. Village Sakdukala (wrongly mentioned Nivasi), Present Address- Village Sinthara, Police Station Dharamjaigarh, Civil & Revenue District Raigarh, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through District Magistrate / Station House Officer, Police Station Balco Nagar, Korba, District Korba, Chhattisgarh.

---- Respondent

For Applicant : Mr. Dharmesh Shrivastava, Advocate.

For Respondent : Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

19.07.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.92/2016 registered at Police Station- Balco Nagar, District Korba (C.G.) for the offence punishable under Section 294, 506(B), 323, 379, 411/34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that a report was made by one Ashif Khan that on 29.03.2016 while he went on round by his motorcycle at that time near a Balco barrier, three persons who covered their face with the mask abused the complainant and assaulted him, thereafter, he ran away and the complainant while coming back, he saw that two mobile which was kept in his purse were missing. Then a report was made and subsequently three accused Sandeep, Pratap and Pradeep were arrested and on the

memorandum of the accused Sandeep, the said mobile was recovered from the possession of the present applicant.

3. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has been falsely implicated in this case only on the memorandum of the accused Sandeep, therefore, taking into the degree of allegation, the applicant may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the documents. Considering the facts and circumstances of the case and the degree of allegation and further the fact that the applicant is in jail since 03.04.2016, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the 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