

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5564 of 2016

1. Samar Singh Jagat S/o Udhav Aged About 21 Years R/o Village - Manki, Police Station Basana, Tahsil - Saraipali, Civil & Revenue District - Mahasamund Chhattisgarh
2. Sudama Rana S/o Rohit Rana Aged About 22 Years R/o Village - Amapali, Tehsil - Basna, Police Station - Basna, Civil & Revenue District - Mahasamund Chhattisgarh -- **Applicants**

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Basna, Civil & Revenue District - Mahasamund Chhattisgarh --- **Respondent**

For the applicant	:	Mr. Sunil Otwani, Advocate
For the Respondent	:	Mr. Anil S Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

19.09.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicants in connection with Crime No. 46 of 2016 registered at P.S. Basna, Distt. Mahasamund (C.G) for the offence punishable under Section 394 IPC.
2. As per the prosecution case, while the complainant Ravi Dadsena and one Shyam Sundar were going on motorcycle in the night of 22.03.2016, on the way at about 11 o' clock they were intercepted by the applicants and co-accused Varun and were assaulted by club. Thereafter, they had forcibly taken Shyam Sundar to some distance and asked him to bring Rs.50,000/- from the house of Ravi Dadsena and reach near Sishupal hill and left him. Thereafter Shyam Sundar had gone to village and narrated the incident to the villagers and when the villagers had gone to the place of incident in the morning, the motorcycle of the complainant was not found

and it is alleged that the applicants along-with other co-accused Varun assaulted and threatened complainant Ravi Dadsena and looted the motorcycle and fled away.

3. Learned counsel for the applicants would submit that the applicants have been falsely implicated in this case. He further submits that though the applicants were arrested on 07.05.2016 yet they have not been identified. It is further submitted that no recovery has been made from the applicants and only on oral statement, they have been inculpated. It is submitted that the charge sheet has been filed and no further investigation is necessary, therefore, the applicants may be enlarged on bail.
 4. Per contra, learned State Counsel opposes the bail. However, he is not able to dispute the fact that the applicants were not identified.
 5. Perused the case diary. Considering the facts and circumstances of the case and the nature of evidence available against the applicants as also the fact that the charge sheet in this case has been filed and the applicants are said to be in jail since 07.05.2016, I am inclined to allow this bail application.
 6. Accordingly, the bail application is allowed and the applicants are directed to be released on bail on each of them executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court. They shall also appear before the trial Court as and when directed by the said Court.
- C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE