

HIGH COURT OF CHHATTISGARH, BILASPUR**Miscellaneous Criminal Case No.2617 of 2016**

Sandeep Pradhan, son of Jivardhan Pradhan, aged about 21 years, R/o Village Girsia, Thana Himgir, District Sundergarh, Orissa

---- Applicant

versus

State of Chhattisgarh through Station House Officer, Police Station Tamnar, District Raigarh, Chhattisgarh

---- Respondent

For Applicant	:	Shri Amit Singh, Advocate
For State/Respondent	:	Shri Gary Mukhopadhyay, Deputy Government Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

7/6/2016

1. This is an application filed under Section 439 Cr.P.C. for grant of regular bail to the Applicant, who has been arrested in connection with Crime No.44 of 2016 registered at Police Station Tamnar, District Raigarh (Chhattisgarh) for the offence punishable under Section 384/34 IPC. The Applicant is in jail since 1.3.2016.

2. Case of the prosecution, in brief, is that on 15.2.2016 when Complainant Surendra Yadav was taking a truck loaded with coal from the Mines to the DV Power Plant, the present Applicant and another co-accused person stopped him, threatened him of dire consequences and looted him of his Mobile of Intex Make. First Information Report in this regard was lodged on 19.2.2016. Subsequently, much later on 1.3.2016, the present Applicant was arrested and from his possession certain articles like Air-Gun, Mobile phones, Hero Honda Splendor Motorcycle were recovered.

3. Learned Counsel for the Applicant submits that the present Applicant has been falsely implicated in the instant case and that he did

not stop the truck or loot the Mobile from the Complainant. Learned Counsel further submits that there is no strong material available with the prosecution so as to attract the offence against the present Applicant under Section 384 IPC. Even the prosecution has failed to seize any of the articles looted from the Complainant. Therefore, the present Applicant may be released on bail.

4. On the other hand, Learned Counsel for the State opposes the bail application on the ground that the present Applicant has been arrested and subsequently in the test identification parade the Complainant has identified him.

5. I have heard Learned Counsel appearing for the parties.

6. Without commenting on merits, considering the totality of the facts and circumstances of the case, more particularly that except for the test identification parade, there is no material available with the prosecution to implicate the present Applicant for the alleged offence under Section 384 IPC, this Court is of the opinion that the present is a fit case in which the Applicant could be enlarged on regular bail.

7. Accordingly, the bail application is allowed.

8. It is directed that the Applicant shall be released on bail on furnishing a personal bond in the sum of Rs.20,000/- (Twenty Thousand) with two sureties in the like sum to the satisfaction of the trial Court and for his appearance before the said concerned Court as and when directed.

9. Certified copy as per rules.

Sd/-
(P. Sam Koshy)
Vacation Judge