

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5087 of 2016**

1. Pushparaj Singh S/o Balbhadra Singh, Aged About 19 Years, R/o Village - Madku, Chowki - Sargaon, Tahsil & District - Mungeli Chhattisgarh
2. Ajay Kumar S/o Ramdhan Rajput, Aged About 27 Years, R/o Village - Lanmati, Chowki - Sargaon, Tahsil & District - Mungeli Chhattisgarh
3. Santosh Kumar S/o Bedprakash, Aged About 29 Years, R/o Village - Akoli, Police Station - Bhatapara, District - Balodabazar - Bhatapar Chhattisgarh

---- Applicants**Versus**

State Of Chhattisgarh Through The Incharge, Police Chowki - Sargaon, Police Station - Patharia, District - Mungeli Chhattisgarh

---- Respondent

For applicant - Shri Avinash Chand Sahu, Advocate.
For Respondent/State – Ms. Shobha Kashyap, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri**Order****1/09/2016**

1. This is the second bail application under Section 439 of Cr.P.C. Earlier bail application was dismissed as withdrawn on 15/07/2016 with liberty to repeat the same after filing of the charge sheet.
2. The applicants have preferred this application for grant of bail as they are arrested in connection with Crime No.125/2016 registered in Police Station Police Chowki-Sargaon, Police Station-Patharia, District Mungeli (C.G.) for offence punishable under sections 392, 34 of IPC.
3. As per the prosecution case, on 2/05/2016 a brake down took place of the vehicle bearing registration No.C.G.04 JD/4123, at that time the complainant Sunil Das was repairing the vehicle alongwith mechanic, at that time four of the persons came and thereafter looted Rs.350/- and mobile from the complainant. Thereby, offence is committed.
4. Learned counsel for the applicants submits that the complainant

Sunil Das has been examined and he has not supported the case of the prosecution and even has not identified the present applicants. He placed on record the statement of Sunil Das and submits that the applicants may be released on bail.

5. Learned State counsel opposes the prayer for grant of bail.

6. Perused the statement of Sunil Das which shows that the complainant has not identified the present applicants. Considering the same and the statement of one Vishnu who was also witness to the identification parade who has also not supported the case of the prosecution. Considering the facts and circumstances, without further observation, this court is inclined to release the applicants on bail.

7. Accordingly, the bail application is allowed and it is directed that the applicants shall be released on each of them furnishing personal bond for a sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of concerned trial court for their regular appearance before it as and when directed.

Sd/-

(Goutam Bhaduri)

JUDGE