

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5138 of 2016

- Ram Prasad @ Ram Dhiwar S/O Jay Prakash Dhiwar Aged About 19 Years R/O. Chhatrapati Shivaji Chowk, Kharora, Police Station Kharora, Civil & Revenue District Raipur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Of Police Station Aarang, District Raipur Chhattisgarh

---- Respondent

For Applicant : Mr. Y.C. Sharma, Advocates

For Respondent/State : Mr. Neeraj Kumar Sharma, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

19-09-2016

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 on 19-05-2016 in connection with Crime No. 193 of 2016, registered at Police Station Aarang, District Raipur (CG) for the offence punishable under Sections 395 and 387 of the IPC and Sections 25 & 27 of the Arms Act.
2. Case of the prosecution, in brief, is that a report was made by the complainant Bhupendra Kumar Sahu that on 18-5-2016 at 8.45 pm, applicant along with other co-accused persons chased him, threw the chilly powder in his eyes and thereafter showing a revolver looted mobile and purse from him and fled away from the spot. One of the co-accused persons namely Dharmendra was chased by other villagers and he was arrested and on his memorandum statement, present applicant has been arrested.
3. Learned counsel appearing for the applicant would submit that there is no evidence against the applicant and even on the memorandum of co-

accused motor-cycle of the present applicant has been seized and no identification is carried out. Therefore, on the basis of seizure of his own motor-cycle, the applicant cannot be inculpated. He would further submit that charge-sheet has been filed, the applicant is in jail since 19-5-2016 and no further investigation is required, therefore, the applicant may be released on bail.

4. *Per contra*, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Taking into consideration the facts and circumstances of the case, considering the nature of evidence available against the applicant and further considering the recovery of the motor-cycle which was belonging to the applicant himself and also the fact that charge-sheet has been filed, the applicant is in jail since 19-5-2016, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju