

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5442 of 2016

Krishna Kumar, S/o. Minalal Kenvat, (wrongly mentioned as Monalal),
Aged About 20 Years, R/o. Village Thathari, Thana Baradwar, Tahsil
Jaijaipur, District Janjgir Champa, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, District Magistrate, Through Police Station
Jaijaipur, Civil & Revenue District Janjgir Champa, Chhattisgarh.

---- Respondent

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MCRC No. 5445 of 2016

Hari Prasad Sahu, S/o. Ravi Sharan Sahu, Aged About 20 Years, R/o.
Village Thathari, Thana Baradwar, Tahsil Jaijaipur, District Janjgir
Champa, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, District Magistrate, Through Police Station
Jaijaipur, Civil & Revenue District Janjgir Champa, Chhattisgarh.

---- Respondent

For Applicants : Mr. Kamal Kishor Patel, Advocate

For Respondent : Ms. Shobha Kashyap, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

15.09.2016

1. These are the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No.124/2016 registered at Police Station- Jaijaipur, District Janjgir-Champa (C.G.) for the offence punishable under Section 341, 393, 34 of Indian Penal Code.

2. As per the prosecution case, a report was made by one Aman Agrawal on 06.07.2016 that while he was coming back to his house on his Car for making recovery of the business, near Nandeli three persons overtook the Car and the pillion rider took out a *Katta* and asked him to stop the Car and demanded money but the complainant fled away with the Car. Subsequently, the applicants were arrested and they were identified.
3. Learned counsel for the applicants would submit that the applicants have been falsely implicated and it is a case of road rage and no recovery of Pistol was made and instead a Toy-Gun was recovered from the applicants. He further submits that the charge sheet in this case has been filed and no further investigation is necessary, therefore, the applicants 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 recovery made which appears to be an Airgun and further considering the facts and circumstances of the case and the fact that the charge sheet has been filed, I am inclined to release the applicants on bail.
6. Accordingly, the bail applications filed under Section 439 of Cr.P.C. are allowed.
7. It is directed that the applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge