

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.6621 of 2016

- Kedharnath Yadav s/o. Tiknu Ram, aged about 30 years, Caste Mahkul, r/o. Khutsera, PS Tumla, Distirct Jashpur (CG).

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer,PS Tumla, District Jashpur, Chhattisgarh.

---- Respondent

For Applicant : Mr. R.R. Soni, Advocate

For Respondent/State : Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

07-11-2016

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 6-4-2016 in connection with Crime No. 21 of 2016, registered at Police Station Tumla, District Jashpur (CG) for the offence punishable under Sections 392, 120-B, 34 of the IPC.
2. Case of the prosecution, in brief, is that on 1-4-2016 a report was made by the complainant Sourabh Agrawal that he is a merchant and had collected Rs.60,000/-. When he was sitting at Vijay Stores, Pandripani, at that time someone snatched his bag which was containing Rs.60,000/- and fled away with a person who was on the motor-cycle. Subsequently, present applicant was arrested and on the memorandum, Rs.7,500/- has been recovered from the applicant and he was identified.
3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the case, as per memorandum of

the prosecution case, loot was committed by other co-accused persons Anjulus Ekka and Naresh Ekka who fled away whereas present applicant has been identified who was not in the scene, but recovery of cash was made from him. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 6-4-2016 and no further investigation is required, therefore, he may be released on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties, perused the case diary and other documents.
6. Perused the memorandums of the accused and other co-accused wherein it has been stated that the loot was committed by Naresh Ekka and Anjulus Ekka and they fled away by the motor-cycle.
7. Taking into consideration the facts and circumstances of the case and further considering the contradictory evidence and identification, without any observation on the merits of the case, I am inclined to release the applicant on bail.
8. 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