

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6870 of 2016

- Vishal Hota S/o Shri Rajendra Hota, Aged About 23 Years R/o Bajrangpara, Sonumuda, Raigarh P/s Kotwali, Tahsil And District Raigarh Chhattigarh

---- **Petitioner**

Versus

- State Of Chhattisgarh Through Station House Officer Of The P/s Kotwali, District Raigarh Chhattisgarh

---- **Respondent**

For Applicant : Mr. Abhishek Sarfah, 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 14-8-2016 in connection with Crime No. 470 of 2016, registered at Police Station Kotwali, District Raigarh (CG) for the offence punishable under Sections 384/34 of the IPC.
2. Case of the prosecution, in brief, is that on 6-8-2016 when complainant Veer Bahadur Singh Yadav was coming to Raigarh, near Urdana four persons stopped the vehicle and thereafter looted Rs.6000/- cash, ATM card, driving licence and one mobile from him and the present applicant is one of them.
3. Learned counsel appearing for the applicant would submit that only Rs.550/- cash was recovered from the present applicant and no identification has been made of the present applicant and only

on the basis of recovery the applicant has been inculpated. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 14-8-2016 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, however, he does not dispute the fact that identification was not made of the present applicant.
5. I have heard learned counsel for the parties, perused the case diary and documents.
6. Taking into consideration the facts and circumstances of the case and further considering the fact that no identification has been made of the present applicant and also the fact that charge-sheet in this case has been filed and the applicant is in jail since 14-8-2016, this court is 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