

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7190 of 2016

- Ritesh Singh S/o Satyanarayan Singh Aged About 24 Years Caste-
Rajput, R/o Gala, Police Station Pathalgaon, Civil & Revenue District
Jashpur, Chhattisgarh. **--- Applicant**

Versus

- State of Chhattisgarh through the Station House Officer, Police
Station Pathalgaon, Civil & Revenue District Jashpur, Chhattisgarh.
---- Respondent

For the applicant	:	Mr. Vinod Tekam, Advocate
For the Respondent	:	Mr. Asutosh Pandey, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

17.11.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 136 of 2016 registered at P.S. Pathalgaon, Distt. Jashpur (C.G) for the offence punishable under Section 395/34 of IPC.
2. As per the prosecution case, a report was made by Smt. Manisha Singh that on 03.06.2016 at about 1.30 p.m., two unknown persons came to the grocery shop, took biscuits and thereafter looted Rs.5000/- from cash box. When the said criminal act of accused was resisted they pushed daughter of the complainant and the complainant and fled away in Scorpio vehicle bearing No. C.G. 13-C/4113. Subsequently the applicant was arrested and on inquiry, it was revealed that the applicant was an inmate of the car and after the amount was looted, it was distributed among the accused and Rs.500/- note was recovered from the applicant.

3. Learned counsel for the applicant would submit that only on memorandum statement of other co-accused the applicant was arrested and he has not been identified and only Rs.500/- note was recovered. He further submits that charge sheet has been filed and the applicant is in jail since 05.07.2016, therefore, he may be enlarged on bail.
4. Per contra, learned State Counsel opposes the bail.
5. Perused the statement of victim. The case diary do not suggest that any identification was carried out in respect of the applicant. The applicant was arrested on the memorandum statement of other accused.
6. Taking into evidence collected by the prosecution as also the fact that the charge sheet has been filed and the applicant is in jail since 05.07.2016 and further considering the totality of the facts and circumstances of the case, I am of the opinion that it is a fit case where the applicant can be released on bail.
7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-

GOUTAM BHADURI
JUDGE