

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7388 of 2016

- Solzer @ Prem Yadav S/o Gore Lal Yadav, Aged About 20 Years R/o Modahapara, Raigarh, Tahsil & District Raigarh Chhattisgarh ---
Petitioner

Versus

- State of Chhattisgarh Through District Magistrate, Raigarh District Raigarh Chhattisgarh --- **Respondent**

For the applicant	:	Mr. Ashish Gupta, Advocate
For the Respondent	:	Mr. Wasim Miyan, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

23.11.2016

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. 470/2016 registered at P.S. Kotwali, Raigarh, Distt. Raigarh (C.G) for the offence punishable under Section 384/34 of IPC.
2. As per the prosecution case, on 6.08.2016 when complainant Veer Bahadur Singh Yadav was coming to Raigarh, on the way 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 for the applicant would submit that the mobile was seized from the present applicant, however, the same was not identified along-with cash and iron rod. He further submits that no evidence is available in this case to show that the mobile belonged to the present applicant. It is also submitted that similarly placed accused Vishal Hota has

been enlarged on bail by this Court in M.Cr.C. No.6870/2016 on 07.11.2016. He further submits that the charge sheet has been filed and the applicant is in jail since 14.08.2016, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail. However, he do not dispute the fact that the person against whom similar allegations were made has been enlarged on bail by this Court in M.Cr.C.No.6870/2016.
5. Perused the case diary and the documents. Taking into consideration the facts and circumstances of the case especially the facts that no identification has been made of the present applicant; charge sheet has been filed; applicant is in jail since 14.08.2016 as also the fact that similarly placed co-accused has been enlarged on bail by this Court, I am not inclined to allow this bail application.
6. 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**