HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7560 of 2016

Krishna Singh, S/o. Shri Navratan Singh, Aged About 21 Years, R/o. G-47, Shubhas Block, S.E.C.L Colony Korba, Police Station Kotwali, Korba, Tahsil- Korba, Revenue & Civil District Korba, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station- Kartala, District Korba, Chhattisgarh.

---- Respondent

For Applicant : Mr. Sandeep Dubey, Advocate

For Respondent : Mr. Sangharsh Pandey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

29.11.2016

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 in connection with Crime No.58/2016 registered at Police Station- Kartala, District Korba (C.G.) for the offence punishable under Section 395, 397/34 of Indian Penal Code.

2. As per the prosecution case, a report was made by one Ramlal Sahu on 30.08.2016 that on 28.08.2016 at about 12.30 am while he was going on his vehicle after loading cement to unload it near village Kotemar there was a brake down happened in the vehicle, at that time, while they were in the vehicle six persons came and demanded money which was refused and the complainant was assaulted and Rs.2200/- was looted alongwith the mobile.

3. Learned counsel for the applicant would submit that the applicant has been falsely implicated and the nature of allegation would show that because of some dispute, the allegations have been attributed

to this applicant and only a Club is alleged to have been recovered from the present applicant and had there been any intention of loot they do not come with a numbered motorcycle. He further submits that the charge sheet has been filed and no further investigation is necessary, therefore, the applicant 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 statement of Ramlal Sahu. It is alleged that Rs.2200/- has been looted alongwith mobile. Taking into the degree of allegation and the fact that the charge sheet has been filed, I am inclined to release the applicant on bail.

6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

7. 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.

Sd/-
(Goutam Bhaduri)
Judge

Ashok