

HIGH COURT OF CHHATTISGARH, BILASPUR

MISC. CRIMINAL CASE NO. 6724 OF 2017

Aman Singh @ Chira S/o Jogindra Singh Aged About 35 Years R/o Behind Patel Dairy B. S. P Quarter Camp - 1 Ambedekar Nagar Police Station Supela District Durg Chhattisgarh.

... Applicant

Versus

State of Chhattisgarh, through Station House Officer, Police Station Supela, Distt. Durg (CG).

... Respondent

For Applicant	:	Shri Awadh Tripathi, Advocate.
For Respondent-State	:	Shri Gary Mukhopadhyay, Dy. GA.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

06/12/2017

1. This is the first bail application seeking for grant of bail to the Applicant who is in jail since 22.07.2017 in connection with Crime No.871 of 2015 registered at Police Station Supela, Distt. Durg for the offence punishable under Section 394 IPC.
2. As per prosecution, the applicant and other co-accused person is said to have looted motorcycle from the complainant Hakim Ahmed on 23.10.2015. The co-accused was arrested and subsequently on the memorandum statement of co-accused, the present applicant has been arrested.
3. Learned Counsel for the applicant submits that so far as the present applicant is concerned, there is no recovery from him. The identification of the applicant by the complainant has also not been done. The only incriminating material against the applicant is that of memorandum statement of the co-accused which is not admissible, and therefore, the present applicant may be released on bail.

4. Counsel for the State opposes the bail application and submits that the present applicant has track record of being involved in criminal cases and that he has been arrested on the basis of memorandum statement of co-accused.
5. Considering the facts and circumstances of the case and the fact that except for memorandum statement of the co-accused person, the State counsel has not been able to put forth any other substantive material against the applicant of being involved in the incident. The identification of the present applicant also has not been done, thus, prima facie a strong case is made out and this Court is of the opinion that the present is a fit case where the Applicant can be enlarged on bail.
6. Accordingly, the application for grant of bail is allowed. It is directed that the Applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.20,000/- with one surety of the like sum to the satisfaction of the concerned Trial Court for his appearance as and when directed.

Sd/-
(P. Sam Koshy)
Judge