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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 60 of 2017

- Domar Nishad S/o Mayaram Nishad, Aged About 19 Years R/o Kopebhatha, Ward No. 6, Police Station Gandai, District Rajnandgaon, Chhattisgarh. **--- Applicant**

Versus

- State of Chhattisgarh through The Station House Officer, Police Station Parpodi, District Bemetara, Chhattisgarh. **--- Respondent**

MCRC No. 80 of 2017

- Madhav @ Raghav S/o Dwarika Aged About 20 Years R/o Kopebhatha, Ward No. 6, Police Station- Gandai, District- Rajnandgaon, Chhattisgarh. **--- Applicant**

Versus

- State of Chhattisgarh through the Station House Officer, Police Station- Parpodi, District Bemetara, Chhattisgarh. **--- Respondent**

For the applicants : Mr. Goutam Khetrapal, Advocate
For the Respondent : Mr. Aupam Dubey, Dy. Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

18.01.2017

1. The applicants have filed these bail applications filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 15/2016 registered at Police Station Parpodi, Distt. Bemetara (C.G) for the offence punishable under Sections 341, 392, 394/34 IPC. Since both these applications are arising out of the same crime number, they are being decided by this common order.
2. As per the prosecution case, a report was made by Dr. Kumbhdas Verma that on 07.02.2016 at about 10.30 a.m., while he was coming from Balaghat to Boltara, on the way near Parpodi, 3 persons overtook his motorcycle whereby he fell down, thereafter the accused

assaulted him and looted Rs.2100/- along-with a mobile from him and thereafter fled away.

3. Learned counsel for the applicants would submit that the applicants have been falsely implicated and the FIR was filed against some unknown persons and no motorcycle number was given. Further it is stated that on 08.02.2016 memorandum of one of co-accused was obtained and on 01.04.2016 Test Identification Parade was carried out wherein the applicants were identified though the record would show that complainant Kumbhdas was present at police station on 08.02.2016 and the seizure of motor cycle was made from him on 08.02.2016 at police station, therefore, the applicants have been falsely implicated. He further submits that the charge sheet has been filed and the applicants are in jail since 08.02.2016, therefore, they may be enlarged on bail.
4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary documents.
6. Taking into the nature of evidence collected against the present applicants as also the fact that the offence is triable by the JMFC and the applicants are in jail since 08.02.2016 I am inclined to release the applicants on bail.
7. Accordingly, the bail applications are allowed and the applicants are directed to be released on bail on each of them executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court. They shall also appear before the trial Court as and when directed by the said Court till disposal of the trial.

   C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE

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