

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 141 of 2017

- Suraj Kumar S/o Shri Ashok Kumar Sarthi Aged About 23 Years R/o Bajrangpara Colony, Raigarh, Police Station- Kotwali, Tehsil & District- Raigarh, Chhattisgarh. --- **Applicant**

Versus

- State of Chhattisgarh through Station House Officer of the Police Station- Kotwali, District- Raigarh, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Abhishek Saraf, Advocate
For the Respondent	:	Mr. Arvind Shukla, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

23.01.2017

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 Police Station Kotwali, Distt. Raigarh(C.G) for the offence punishable under Section 384/34 of IPC.
2. As per the prosecution case, on 06.08.2016 when complainant Veer Bahadur Singh Yadav was coming to Raigarh, on the way near Urdana four persons stopped the vehicle and thereafter looted cash of Rs.6000/-, ATM Card, Driving Licence and one Mobile from him and the present applicant is one of the accused.
3. Learned counsel for the applicant would submit that only cash of Rs.600/- was recovered from the applicant and no identification has been made of the present applicant and only on the basis of recovery, the applicant has been inculpated. He would further submit that the charge sheet has been filed in this case, the applicant is in jail since

14.08.2016 and no further investigation is required. It is also submitted that similarly placed co-accused namely Vishal Hota has been enlarged on bail by this Court in MCRC No.6870/2016 on 07.11.2016, therefore, the present applicant may also be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail. However, he do not dispute the fact that similarly placed co-accused who was arrested in connection with the same crime number has been enlarged on bail by this Court.
5. Perused the case diary and documents. Taking into consideration the facts and circumstances of the case especially the fact that no identification has been made of the present applicant; the fact that the charge sheet in this case has been filed; the applicant is in jail since 14.08.2016 and further considering the fact that similarly placed co-accused has been enlarged on bail by this Court in M.Cr.C. No. 6870/2016, I am inclined to allow this bail application.
6. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on 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 till disposal of the trial.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**