

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 376 of 2017

- Sudhir Pathak S/o Girja Nand Pathak, Aged About 32 Years R/o Daldhova, Police Station Balrampur, District Balrampur Ramanujganj Chhattisgarh
----- **Petitioner**

Versus

- State of Chhattisgarh Through Police Station Pasta (Wrongly Stated As Ramanujganj) District Balrampur Ramanujganj Chhattisgarh ---
Respondent

For the applicant	:	Mr. A. K. Prasad, Advocate
For the Respondent	:	Mr. U.K.S. Chandel, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

31.1.2017

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. 39/2016 registered at P.S. Pasta Distt. Balrampur Ramanujganj (C.G) for the offence punishable under Sections 394/34 IPC.
2. As per the prosecution case, on 15.07.2016, a truck bearing No.C.G.15-AC-2235 after loading clinker was going to Aurangabad. When it reached near Semarsot forest at that time, the applicant along-with others came into Maruti car and looted Rs.21,000/- and other documents, thereby the offence has been committed.
3. Learned counsel for the applicant would submit that complainant Sonu and seizure witnesses namely Madan Ram and Ramashankar @ Nandu have been examined before the Court below and they have not supported the case of prosecution. He further submits that similarly placed accused

Shankarjeet Singh and Madan Yadav have been enlarged on bail by this Court in M.Cr.C. Nos. 8559 & 8598 of 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 the complainant and other seizure witnesses have not supported the case of prosecution.
5. Considering the nature of allegations levelled against the applicant and further considering the fact that the witnesses have not supported the case of prosecution and on similar footing, the other co-accused Shankarjeet Singh and Madan yadav have been enlarged on bail by this Court, 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 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**