NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

**MCRC No. 462 of 2017**

- Puja Smit Das S/o Shri Aparna Shankar Das, Aged About 19 Years R/o M. I. G. 9 Rajkishore Nagar, Police Station Sarkanda District Bilaspur Chhattisgarh

**---- Petitioner**

**Versus**

- State of Chhattisgarh Through The Police Station Ratanpur District Bilaspur Chhattisgarh

**---- Respondent**

---

For Applicant : Mr. N. Naha Roy, Advocate

For Respondent/State : Mrs. Sunita Jain, Panel Lawyer

---

**Hon'ble Shri Justice Goutam Bhaduri**

**Order on Board**

**02-02-2017**

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 on 8-11-2016 in connection with Crime No. 277 of 2016, registered at Police Station Ratanpur, District Bilaspur (CG) for the offence punishable under Section 395 of the IPC.

2. As per prosecution case, on 6-11-2016 at about 3.30 am., the applicant along with other co-accused namely Govind Chauhan, Putrasmit Das, Sumit Pandey, Subam Agrawal, Adsbhinav Garaha, Sudhanshu Pandey and Bhanu Pratap Singh Jangade were traveling in four motor cycles and they stopped the truck bearing No. CG-15-AC 8025 and thereafter, assaulted driver and the owner and looted Rs.29,000/- cash, two mobiles, driving licence, PAN card, Adhar card and ATM card etc. Subsequently, the driving licence, PAN card, ATM card and the mobiles were thrown.

Subsequently, the applicant was arrested and was identified and thereby the aforesaid offence has been committed.

3. Learned counsel appearing for the applicant would submit that the applicant is the student and went to celebrate the birthday of one of the friends at Dhaba wherein the truck which is alleged to be looted was also parked and it has dashed one of the motor-cycles which resulted into altercation. The complainant and the accused persons have beaten each other, however, in order to avoid the case of accident, false report has been made. It is further submitted that the applicant is a student of B.E. Part-II and he is 19 years old, charge-sheet has been filed in this case, he is in jail since 8-11-2016 and no further investigation is necessary. He would further submit that other co-accused has been granted bail vide order dated 23-1-2017 passed by this Court in M.Cr.C.No. 86 of 2017, therefore, the applicant may also be released on bail.

4. *Per contra*, learned State counsel opposes the prayer for grant of bail.

5. I have heard learned counsel for the parties and have also perused the case diary and the documents. From perusal of the case diary, it appears that charge-sheet in this case been filed. Though the memorandum statement of Bhanu Pratap Singh Jangade, one of the accused was recorded that apart from this truck, 3-4 trucks were looted and batteries were taken out but the case diary does not how that any recovery was made or any further report is made. The statements of Dinesh Yadav, Chhote Lal Gupta and Triveni Dwangan are on record, who were in the truck as driver and cleaner. No recovery is made of Aadhar card, PAN card etc.

6. Taking into the nature of allegation and further taking into the fact hat charge-sheet has been filed and the applicant appears to be

student of B.E. Par II, no further investigation is necessary and the applicant is in jail since 8-11-2016 and further considering the fact that other co-accused has been granted bail by this Court, I am inclined to release the applicant on bail.

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

Certified copy as per rules.

Sd/-
**(Goutam Bhaduri)**
Judge

Raju