

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 678 of 2017

1. Ravi, S/o. Parasram Sarthi, aged about 22 years,
2. Laxmichand, S/o. Manrakhan Vishwakarma, aged about 23 years,
Both are R/o. Village-Keshwa, Police Station & Tahsil – Mahasamund,
District – Mahasamund (C.G.).

----Applicants

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police Station
– Mahasamund, District – Mahasamund (C.G.)

---- Respondent

For Applicants	: Mr. Vikash Pradhan, Advocate
For Respondent/State	: Mr. Avinash K. Mishra, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

13/02/2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.459/2016, registered at Police Station – Mahasamund, District – Mahasamund (C.G.) for the offence punishable under Section 394, 34 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that on 16.09.2016, the applicants along with other co-accused stopped one Jageshwar @ Jugnu while he was returning home at Mahasamund from advertisement vehicle of his firm Kisan-Mitan bearing No.C.G.-06-M-0861 at near Keshwa Basti and thereafter assaulted and looted the gold chain, mobile charger, pen-drive, torch etc. Subsequently, the report was made after knowing the name. Thereby the offence has been committed.
3. Learned counsel for the applicants would submit that the applicants have been falsely implicated in this case and it was simple dispute in

between the parties, which has been given colour of loot. It is further submitted that charge-sheet in this case has been filed and the applicant is in jail since 14.10.2016, therefore, the applicants may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application and would submit that as against the applicant No.1 – Ravi, five cases under different sections of I.P.C. is registered.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary, documents and the statement of the witness Pappi @ Heerawan Dhruw. Considering the nature of allegation and the fact that against the applicant No.1 – Ravi, five cases under different sections of I.P.C. have been registered. Taking into such fact I am not inclined to release the applicant No.1 on bail. Further considering the facts and circumstances of the case, the nature of allegation levelled against the applicant No.2- Laxmichand, this Court is of the opinion that present is a fit case, in which, the applicant No.2 – Laxmichand should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. in respect of the applicant No.1 - Ravi is dismissed and in respect of the applicant No.2, Laxmichand is allowed.
8. It is directed that applicant No.2, Laxmichand 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.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge