

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 965 of 2017**

Abdul Farukh S/o Abdul Anwar Khan, Caste Musalman, aged about 26 years,
R/o village Mudapar, Korba, District Korba, Chhattisgarh.

----Applicant

Versus

State of Chhattisgarh, Through the Police Station Kartala, District Korba,
Chhattisgarh

---- Non-Applicant

For Applicant : Shri Vikash Pandey, Advocate.

For Respondent/State : Shri D.R.Minj, Deputy Government Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board**02/03/2017**

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 applicant who has been arrested in connection with Crime No. 58 of 2016, registered at Police Station Kartala, District Korba, Chhattisgarh for the offence punishable under Section 395, 397 read with Section 34 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that on 30.08.2016, a report was made by one Ramlal Sahu that on 28.08.2016 at about 12.30 am, he was going on his vehicle after loading cement to unload it near village Kotemar and on the way there was a breakdown in the vehicle. At that time, while he was in the vehicle, six persons came and demanded money and when it was refused, the complainant was assaulted and Rs. 2200/- was looted alongwith the mobile.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case. He submits that there was no intention of

loot and only one mobile was recovered. The applicant is in jail since 08.09.2016 and no further investigation is necessary. It is further submitted that two of the co-accused persons namely Krishna Singh and Sultan Ansari have already been released on bail by this Hon'ble Court vide order dated 29.11.2016 passed in M.Cr.C. No. 7560 of 2016 and vide order dated 21.12.2016 passed in M.Cr.C. No. 8241 of 2016 respectively. Therefore, the counsel prays that the applicant may also be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application. However, he does not dispute the fact that the persons against whom similar allegations were levelled, have been enlarged on bail by this Court.
5. Taking into consideration the fact that only one mobile was recovered and there was no intention to commit loot as also the fact that similarly placed co-accused have been enlarged on bail by this Court and the applicant is stated to be in jail since 08.09.2016, I am inclined to allow this bail application.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that 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.
8. Certified copy, as per rules.

Sd/-
(Goutam Bhaduri)
Judge