

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1453 of 2017

- Satish Tiwari @ Ankur S/o Late Lalit Tiwari, Aged About 20 Years R/o In front of Kali Mandir Kali Nagar, Near Mata Garage, Raipur, Police Station Civil Line Raipur, Tahsil And District Raipur, Chhattisgarh. ---
Applicant

Versus

- State of Chhattisgarh through the Station House Officer, Police Station Pandri Raipur, District Raipur, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Pawan Kesharwani, Advocate
For the Respondent	:	Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

20.03.2017

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. 251 of 2016 registered at Police Station Pandri, Raipur, Distt. Raipur (C.G) for the offence punishable under Section 394/34 of IPC.
2. As per the prosecution case, a report was made by one Durga Prasad on 15.09.2016 that some dispute took place in the liquor bar with the applicant and others and thereafter the complainant was assaulted and his two mobile phones and cash of Rs.1420/- were looted.
3. Learned counsel for the applicant would submit that the complainant himself due to intoxication has suffered the loss; the applicant has not committed any offence. He further submits that the complainant has been examined and he has not supported the case of prosecution. It is also submitted that the charge sheet has been filed and the applicant is in

jail since 16.09.2016, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.

However, he is not able to dispute the fact that the complainant has been examined and has not supported the case of prosecution.

5. Perused the statement of the complainant. Considering the statement of complainant as also the fact that the charge sheet has been filed and the applicant is in jail since 16.09.2016, without any further observation on merits of the case, 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 for his appearance before the said Court as and when directed.

C.c. as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**