

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 1547 of 2017**

Sudhanshu Pandey S/o Late Mr. Pankaj Pandey, Aged About 19 Years Student Of B.E. I I I Year, J.K. Institute, R/o M I G 01, Kesar Aawas, Rajkishore Nagar, Thana Sarkanda District Bilaspur, Chhattisgarh.

**---- Applicant**

**Versus**

State Of Chhattisgarh Through District Magistrate, District Bilaspur, Chhattisgarh.

**---- Respondent**

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For applicant - Shri Achyut Tiwari, Advocate.  
For Respondent/State – Ms. Sunita Jain, PL.

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**Hon'ble Shri Justice Goutam Bhaduri****Order****22/03/2017**

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No. 277/2016 registered in Police Station Thana Ratanpur, District Bilaspur (CG) for offence punishable under section 395 of IPC.
2. Case of the prosecution in brief is that on 06.11.2016 at about 3.30 am, the applicant along with other co-accused namely Govind Chauhan, Putrasmit Das, Sumit Pandey, Subham Agrawal, Abhinav Gauraha and Bhanu Pratap Singh Jangade were travelling in four motor cycle and they stopped the truck bearing No. C.G.-15-AC-8025 and thereafter, assaulted driver and the owner and looted Rs.29,000/- cash, two mobiles, driving license, PAN card, Adhar card, ATM Card etc. Subsequently, the driving license, Pan Card, ATM card and the mobiles were thrown. Subsequently, the applicant was arrested and were identified. Thereby the offence has been committed.
3. Learned counsel for the applicant would submit that the applicant is

the student and went to celebrate the birthday of one of the friend at Dhaba, wherein the truck which is alleged to be looted was also parked and it has dashed one of the motor cycle, which resulted into altercation and the complainant and the accused persons have beaten each other, however, in order to avoid the case of accident, the false report has been made. It is further submitted that the applicant is student of BE third year and he is in jail since 8/11/2016, the counsel prays that the applicant may be enlarged on bail.

4. On the other hand, learned State counsel opposes the bail application .

5. I have heard the learned counsel for the parties.

6. Perused the case diary and the documents. Perusal of the case diary it appears that charge-sheet in this case has been filed. The document filed along the bail application would show that the applicant is a student of BE third year. 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 do not show that any recovery was made or any further report is made. The statement of Dinesh Yadav, Chhote Lal Gupta and Triveni Dewangan are on record, who were in the truck as driver and helper. No recovery is made of Aadhar card, Pan Card etc. Taking into the nature of allegation and further taking into the fact that charge-sheet in this case has been filed and the applicant appears to be student of BE third year, no further investigation is necessary and the applicant is in jail since 08.11.2016, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

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

8. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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.

Sd/-

(Goutam Bhaduri)

JUDGE