

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1640 of 2017

- Devnath Dhimar S/o Punaram Dhimar, Aged About 24 Years R/o Village Daldal Seoni, Ravan Murti, Near Sulabh Shouchalaya, Post Office, Raipur, Police Station Pandri, Raipur, District Raipur, Chhattisgarh.

---- **Petitioner**

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Pandri, District Raipur, Chhattisgarh.

---- **Respondent**

For Applicant : Mr. Shivendu Pandya, Advocate

For Respondent/State : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

23-03-2017

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 15-3-2016 in connection with Crime No. 66 of 2016, registered at Police Station Pandri, District Raipur (CG) for the offence punishable under Section 394/34 of IPC.
2. Case of the prosecution, in brief, is that on 15-3-2016 a report was made by the complainant Praveen Kumar that present applicant along with other co-accused demanded money from him and having refused they assaulted him and looted Rs.2,700/- and one mobile phone from him and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the case. He would further submit that offence is triable by Judicial Magistrate First

Class, charge-sheet has been filed in this case, the applicant is in jail since 15-3-2017 and no further investigation is required, therefore, he may be released on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties, perused the case diary and documents.
6. Taking into consideration the facts and circumstances of the case, nature of allegations leveled against the applicant and further considering the fact that the charge-sheet in this case has been filed, the applicant is in jail since 15-3-2016 and no further investigation is necessary, this court is 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. He shall also appear before the trial Court as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju