

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3503 of 2017

- Shanker Behra S/o Shri Anami Behra, Aged About 22 Years R/o Ganesh Nagar, Police Station Pandri, Tahsil & District- Raipur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Pandrai Raipur, District Raipur Chhattisgarh

---- Respondent

For Applicant	:	Mr. Shivendu Pandya, Advocate
For Respondent	:	Mr.Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

13/12/2017

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 in connection with Crime No. 206/2016, registered at Police Station- Pandri, District – Raipur (C.G.) for the offence punishable under Sections 394, 365, 34 of Indian Penal Code (for short 'IPC').
2. Learned counsel for the applicant is innocent and has been falsely implicated in this case. He is in jail since 3.8.2016. There is no material in the prosecution case against the applicant based on which he can be held guilty of the offences as alleged. Hence, it is prayed that applicant be enlarged on bail.

3. Learned State counsel opposes the application and the submissions made in this respect. It is submitted that there are sufficient evidence against the applicant for his prosecution, hence, he is not entitled for grant of bail.
4. Heard both the parties and perused the case diary.
5. The case against the applicant is this that on the date of incident applicant and Ashok Mandal confronted victim Vikkey Vedkar and caused injuries to him. Co-accused Ashok Mandal looted the motorcycle of victim, forced the girl present on the spot to sit on the motorcycle and thereafter took the said girl with him on his motorcycle. However, finding an opportunity, said girl escaped from his clutches and lodged the report based on which offence has been registered.
6. Considering the submissions made, contents of the case diary and looking to the statement of witnesses regarding role of applicant and also considering the fact that after filing of charge-sheet, no purpose would be served by keeping the applicant in custody till the conclusion of trial and one of the co-accused has been granted bail by the co-ordinate Bench of this Court, I am of this view that it is a fit case for grant of bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. 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 trial Court concerned, for his appearance as and when directed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge