

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 7188 of 2017**

Lalu @ Deepak Bargah S/o Ghanshyam Bargah, aged about 23 years, R/o Village Dhardei, Police Station Pathariya, District Mungeli, Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh through Station House Officer, Police Station Pathariya, District Mungeli, Chhattisgarh.

---- Respondent**and****Misc. Criminal Case No. 7677 of 2017**

Nikku Bargah @ Suryakant Bargah S/o Late Shri Mithlesh Bargah, aged about 22 years, R/o Village Dhardei, Police Station Pathariya, District Mungeli, Chhattisgarh

---- Applicant**Versus**

State of Chhattisgarh through Station House Officer, Police Station Pathariya, District Mungeli, Chhattisgarh

---- Respondent

For Applicants	:	Smt. Indira Tripathi, Advocate
For Respondent/State	:	Shri Garry Mukhopadhyay, Dy. G.A.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****13/12/2017**

Both the applications have been filed u/s 439 of Cr.P.C. for grant of bail to the applicants who have been arrested in connection with Crime No. 284/2015 registered at Police Station Pathariya, District Mungeli (CG) for the offence punishable under Section 394/34 of IPC. Applicant Lalu is in jail since 12.10.2017 and applicant Nikku is in jail since 14.09.2017.

2. As per the prosecution case, the present applicants and the co-

accused are said to have looted the complainant of Rs.5,000/-

3. Counsel for the applicants submits that pending the case before the trial Court, complainant Arjun Jangde was examined on 04.12.2017 and he has not supported the case of the prosecution and has been declared hostile. Thus, prayed for the applicants to be released on bail.

4. State counsel, on the contrary, opposes the bail application referring to the nature of offence. He, however, does not dispute the fact that the complainant in the instant case has not supported the case of the prosecution and turned hostile.

5. Given the facts and circumstances of the case, particularly the fact that the complainant himself has not supported the case of the prosecution and turned hostile, this Court is of the opinion that it is a fit case for grant of bail to the applicants.

6. Accordingly, the application for grant of bail is allowed. It is directed that the Applicants will be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court for their appearance before the said Court as and when directed.

Sd/-
(P. Sam Koshy)
JUDGE