

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8389 of 2016

- Rahul Hota S/o Shri Rajendra Hota Aged About 23 Years R/o Bajrangpara Colony , Block- B, Quarter No. - 31, Raigarh, Police Station Kotwali, Tahsil And District Raigarh, Chhattisgarh.

---- **Petitioner**

Versus

- State Of Chhattisgarh Through Station House Officer, Of The Police Station Kotwali, District Raigarh, Chhattisgarh.

---- **Respondent**

For Applicant : Mr. Abhishek Saraf, Advocate

For Respondent/State : Mr. Sangarsh Pandey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

06-01-2017

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 14-8-2016 in connection with Crime No. 470 of 2016, registered at Police Station Kotwali, District Raigarh (CG) for the offence punishable under Section 384/34 of the IPC.
2. Case of the prosecution, in brief, is that 6-8-2016 when complainant Veer Bahadsur Singh Yadav was coming to Raigarh, near Urdana four persons stopped the vehicle and thereafter looted cash Rs.6000/-, ATM card, driving licence and one mobile from him and the present applicant is one of them.
3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the case, only cash Rs.900/- was recovered from the present, no identification has been made of the applicant and only on the basis of recovery, the

applicant has been inculpated. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 14-8-2016 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, however, he does not dispute the fact that identification was not made of the present applicant.
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 and further considering the fact that no identification has been made of the applicant and also the fact that similarly placed other co-accused has been enlarged on bail by this Court, I am 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 for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju