

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 8598 of 2016

Madan Yadav, S/o. Late Rameshwar, aged about 27 years, S/o. Village Daldhowa, Police Station & Tahsil – Balrampur – District – Balrampur – Ramanujganj (C.G.)

---- Applicant

Versus

The State of Chhattisgarh, Through : Police Station – Balrampur, District - Balrampur – Ramanujganj (C.G.)

---- Respondent

For Applicant	:	Mr. A.K. Yadav, Advocate
For Respondent	:	Mr. U.K.S. Chandel, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri
Order On Board

11/01/2017

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 in connection with Crime No.39/2016, registered at Police Station- Balrampur, District – Balrampur-Ramanujganj (C.G.) for the offence punishable under Section 394 of Indian Penal Code.
2. Case of the prosecution in brief is that on 15.07.2016, a truck bearing No.C.G.-15-AC-2235 after loading Clinker was going to Aurangabad when it reached near Semarsot forest at that time, the applicant along with other came into Maruti car and looted Rs.21,000/- and other documents. Thereby committed the offence.
3. Learned counsel for the applicant submits that the complainant and the seizure witnesses in this case have been examined before the Court below and they have not supported the case of the prosecution and only the cash was recovered from the possession of the applicant and the witnesses have not supported the case against the present applicant. It is further submitted that similarly placed co-accused in this

case has been enlarged on bail vide order dated 09.01.2017 in M.Cr.C. No.8559/2016. Therefore, the counsel prays that the applicant may be enlarged on bail.

4. Learned State counsel opposes the prayer for grant of bail, however, he do not dispute the fact that similarly placed co-accused has been enlarged on bail.
5. Considering the nature of allegation and further considering the fact that only cash has been seized from the present applicant, which is not supported by the witnesses and further considering the fact that similarly placed co-accused in this case has been enlarged on bail vide order dated 09.01.2017 in M.Cr.C. No.8559/2016, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. 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.
8. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge