

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 31 of 2017

- Sitaram Vishvkarma S/o Dashru Vishvkarma, Aged About 20 Years
R/o Siltara, Raipur, Police Station Dharsiva, Raipur District Raipur
Chhattisgarh --- **Applicant**

Versus

- State of Chhattisgarh through Police Station Dharsiva, Raipur, District
Raipur Chhattisgarh --- **Respondent**

For the applicant	:	Mr. Vimlesh Bajpai, Advocate
For the Respondent	:	Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

17.1.2017

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 399 of 2016 registered at P.S. Dharsiva, Raipur, Distt. Raipur (C.G) for the offence punishable under Sections 394, 397, 324 of IPC and sections 25 & 27 of IPC.
2. As per the prosecution case, a report was made by Teerath Ram Verma that on 29.10.2016 while they were coming from Siltara to Mandhar on foot, they were stopped by accused Nandlal Sahu, Kedar Vishwakarma and present applicant Sitaram Vishwakarma. Thereafter the accused demanded money and Nandlal has assaulted by way of knife on the private part of the complainant; Somdutt has been assaulted on chest and Saurav Gupta was assaulted on thigh. Thereafter, cash of Rs.150/-, one Samsung Mobile and an Aadhar card were looted.
3. Learned counsel for the applicant would submit that the

main allegation of assault has been made on Nandlal as he assaulted by knife and only Rs.40/- has been recovered from the present applicant. He further submits that the charge sheet has been filed and the applicant is in jail since 30.10.2016, therefore, he may be enlarged on bail

4. Per contra, learned State Counsel opposes the bail.
5. Perused the statement of victim. It appears that the main allegation of assault is levelled against Nandlal.
6. Taking into the nature of recovery and the allegations levelled against the applicant as also the fact that the charge sheet has been filed and the applicant is in jail since 30.10.2016, I am inclined to release him on bail.
7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in 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 by the said Court.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**