

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 897 of 2017

- Akash Sahu S/o Late Nandlar Sahu, Aged About 19 Years R/o Ward No. 04, Surya Nagar, Gogaon, Raipur, Police Station- Gudhiyari, District- Raipur, Chhattisgarh. --- **Applicant**

Versus

- State of Chhattisgarh through Station House Officer, Police Station, Berla, District- Bemetara, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Ashish Beck, Advocate
For the Respondent	:	Mr. Neeraj Jain, Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

28.02.2017

1. This is second 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. 94/2016 registered at Police Station Berla, Distt. Bemetara (C.G) for the offence punishable under Section 394/34 of IPC.
2. As per the prosecution case, on 22.04.2016 a report was made by Mohan Dhruv that when he was coming back to village Pirda, near Coller Factory, Nevnara-Pirda Road, the applicant along-with others assaulted him and thereafter took away his motorcycle, for which the report was made and the offence was registered and subsequently the applicant was arrested and was identified.
3. Learned counsel for the applicant would submit that this is second bail application; the first bail application was dismissed on 26.10.2016 and now the complainant Mohan Dhruv has been examined before the Court below and he has not identified the present applicant, therefore, it would show

that the applicant has been falsely implicated in this case.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the statement of the Mohan Dhruv. Considering such statement of the complainant as also the fact that the charge sheet has been filed; no further investigation is necessary and the applicant is stated to be in jail since 25.06.2016, without any further observation on merits of the case, I am inclined to allow this bail application at this stage.
6. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on 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 for his appearance before the said Court.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**