

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1521 of 2017

- Sudhanshu Pandey S/o Late Mr. Pankaj Pandey, Aged About 19 Years Student of B E -III year, J. K. Institute, R/o M I G: 01, Kesar Awas, Rajkishore Nagar, Thana: Sarkanda, District Bilaspur, Chhattisgarh. --- **Applicant**

Versus

- State of Chhattisgarh through the District Magistrate, District Bilaspur, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. N. Naha Roy, Advocate with Mr. Achut Tiwari, Adv.
For the Respondent	:	Mr. Anant Bajpai, Dy. Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

09.03.2017

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.315/2016 registered at Police Station Koni, Distt. Bilaspur (C.G) for the offence punishable under Section 395 of IPC.
2. As per the prosecution case, on 6.11.2016 at about 4.30 a.m., the applicant along-with others came on motorcycles and stopped two trucks being driven by the complainants at Mopka Sendri Bypass road and assaulted them and looted mobiles and cash of Rs.9000/- from the drivers and other inmates of the trucks and thereafter took out the batteries of the Trucks, thereby the offence has been committed.
3. Learned counsel for the applicant submits that the earlier bail application was dismissed on 09.01.2017, thereafter the charges have been framed on 09.02.2017 and no further investigation is necessary. It is submitted that the applicant

has been inculpated on the basis of statement of Bhanu Pratap who is said to have identified but the charge sheet would show that the applicant's photograph along-with other accused was earlier published in a newspaper and therefore the identification itself cannot be relied upon. He further submits that the applicant is a student and is in jail since 08.11.2016 and no purpose would be served if he is further kept in custody, therefore, he may be released on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary documents. Considering the facts and circumstances of the case especially the fact that the applicant is a student of aged about 19 years and the charges have been framed on 09.02.2017 and further looking to the pretrial detention of the applicant as he is stated to be in jail since 08.11.2016, I am inclined to release the applicant on bail 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 as and when directed.

C.c. as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**