

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3418 of 2017

1. Gariblal, S/o. Radheshyam, Aged About 27 Years, Caste Chouhan, R/o. Village Aurai, Police Station- Kartala, Tahsil Kartala, District Korba, Chhattisgarh.
2. Manharan Srivas, S/o. Sadhuram, Aged About 30 Years, R/o. Village Supatarai, Police Station Urga, Tahsil Kartala, District Korba, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station Kartala, District Korba, Chhattisgarh.

---- Respondent

For Applicants : Mr. Awadh Tripathi, Advocate

For Respondent : Mr. Suryakant Mishra, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

10.05.2017

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No.54/2016 registered at Police Station- Kartala, District Korba (C.G.) for the offence punishable under Section 394/34 of I.P.C.
2. As per the prosecution case, on 09.08.2016 one Kalaram alongwith Rajesh Kumar and Bhardwaj were coming back from a village Aurai on a motorcycle and on the way they were intercepted by the present applicants, asked their whereabouts and abused them and thereafter they looted a Samsung Mobile and Rs.1500/- from them. Out of fear, the victims left the motorcycle on the spot and ran away to village Aurai and reported the incident to the Sarpanch.

3. Learned counsel for the applicant would submit that the complainant Kalaram and Rajesh Kumar who was also the victim have been examined and the seizure witness Balaram & Seikh Aasam have also been examined and they have not supported the case of the prosecution. He further submits that only allegation is that the applicants have looted Rs.1500/- and there is no identification and the applicants are in jail since 20.08.2016, therefore, the applicants may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Considering the facts and circumstances of the case and the period of detention of the applicants as they are in jail since 20.08.2016; further considering the statement of the witnesses and taking into fact that the trial has not been concluded till date, without any observation on merit, I am inclined to release the applicants on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicants shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge