

HIGH COURT OF CHHATTISGARH, BILASPUR

MISC. CRIMINAL CASE NO.734 OF 2018

1. Mukesh Kumar Sidar S/o Sampatlal Sidar Aged About 23 Years Occupation Munshi, R/o Village Gudheli Tahsil Sarangarh, District Raigarh Civil And Revenue District Raigarh Chhattisgarh.
2. Santosh Narang S/o Ramkumar Narang Aged About 28 Years R/o Village Supa Tahsil Pussour District Raigarh Civil And Revenue District Raigarh Chhattisgarh.

... Applicants

Versus

State of Chhattisgarh, through Thana In charge, Pussour, District Raigarh (CG).

... Respondent

For Applicants	:	Shri Rajendra Tripathi, Advocate.
For Respondent-State	:	Ms. Sunita Jain, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

26/03/2018

1. This is the first bail application seeking for grant of bail to the Applicants who are in jail since 03.11.2017 in connection with Crime No. 171 of 2017 registered at Police Station Pussour, District Raigarh, for the offence punishable under Section 394/34 IPC.
2. The allegation as per prosecution is that, the present applicants is said to have on the date of incident i.e. 26.09.2017 abruptly stopped the complainant who was going on a four wheeler and is said to have demanded money from them and out of fear the complainant is said to have paid an amount of Rs.1030/-. In addition, another Rs.200/- was also borrowed from the nearby Gupta Restaurant and paid to the present applicants.
3. Learned Counsel for the applicants submits that the very fact that after borrowing an amount of Rs.200/-from Gupta Restaurant the

complainant has paid the said amount to the applicants by itself shows that the nature of allegation would not fit in the definition of robbery as is defined under Section 394 IPC. Thus, prayed for applicants to be released on bail.

4. The State counsel opposing the application submits that the present applicants is said to have put the complainant under severe threat and out of fear the complainant has paid money to the applicants, and as such they do not deserve for bail.
5. Without commenting on merits, considering the totality of the facts and circumstances of the case particularly taking into consideration the nature of allegations and also considering the period of custody undergone by the applicants, this Court is of the opinion that the present is a fit case where the Applicants can be enlarged on bail.
6. Accordingly, the application for grant of bail is allowed. It is directed that the Applicants shall be released on bail on their furnishing a personal bond for a sum of Rs.20,000/- each with one surety of the like sum to the satisfaction of the concerned Trial Court for their appearance as and when directed.

**Sd/-
(P.Sam Koshy)
Judge**