

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.111 of 2018

- Nilendra Mohture S/o Rampal Mohture, Aged About 32 Years R/o Village Keshlewada, P. S. Hatta, District Balaghat M. P. At Present Village Sarora, P. S. Urla, Raipur District Raipur Chhattisgarh , Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through The District Magistrate Durg District Durg Chhattisgarh , Chhattisgarh

---- Respondent

For Petitioner	:	Shri Praveen Dhurandhar, Advocate
For Respondent/State	:	Shri Manish Nigam, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

02/02/2018

Heard.

2. The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.342/2017 registered at Police Station Supela, District Durg for the offence punishable under Section 397/34 of IPC and Section 25 & 27 of the Arms Act.

3. This is second application for grant of bail. First bail application was dismissed as withdrawn.

4. Case of the prosecution is that the applicant and other co-accused obstructed the complainant and thereafter, looted Rs.50,000/-.

5. Learned counsel for the applicant submitted that the applicant has been falsely implicated only on the ground of suspicion. The complainant-T. Ravi Raju has already been examined before the Court as PW-1 and he has not identified the present applicant during trial, therefore, entire case of the prosecution against the present applicant falls to the ground.

6. On the other hand, learned State counsel opposed the prayer for grant of bail

on the submission that looking to the nature and gravity of allegation and that the recovery alleged to have been made on the basis of memorandum given by the applicant, therefore, he is not entitled to bail.

7. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that the complainant, who is alleged to have looted, has already been examined before the Court and he does not identify the present applicant, I am inclined to grant bail to the applicant.

8. Accordingly, the application is allowed. It is ordered that the applicant shall be released on bail on furnishing a personal bond of Rs.25,000/- along with one local surety of the like amount to the satisfaction of the trial Court on the condition that he shall appear before the trial Court regularly on each and every date, unless exempted.

SD/-

(**Manindra Mohan Shrivastava**)

J U D G E