

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 35 of 2018**

Amit Kumar @ Doni, S/o. Sadhram Sevayak, Caste-Satnami, Aged About 23 Years, R/o. Kotadabri, Champa, Tehsil And Police Station- Champa, District Janjgir Champa, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : District Magistrate, Janjgir, District -Janjgir Champa, Chhattisgarh Also Through The Police Of Police Station- Champa District Janjgir Champa, Chhattisgarh

---- Respondent

For Applicant : Mr. Govind Dewangan, Advocate

For Respondent/State : Mr. Neeraj Mehta, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**08/03/2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.87/2017, registered at Police Station – Champa, District – Janjgir-Champa (C.G.) for the offence punishable under Section 394/34 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case only on the basis of the memorandum statement given by the co-accused person, in which

he stated that applicant was in his company, when the offence was committed. Further this applicant has not been identified by the complainant in TIP and also no recovery was made from this applicant, therefore, it is prayed that, he may be released on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. Complainant – Hemant Bhoi lodged FIR in Police Station – Champa stating that on the date of incident, when he was waiting for transport, then two boys came on a motor cycle, which has no registration number and offered lift to him. Complainant accepted lift, then he was taken to a lonely place, where both of them assaulted him and then looted the cash of Rs.1,13,214/- from his possession. During the investigation, co-accused Ajay Anant was apprehended and interrogated, in which he has stated that this applicant was in his company, when the offence was committed.
6. Considered the submissions made and the contents of the case diary. Considering the entire material present in the case diary and also considering the evidence present in the case diary i.e. proposed against this applicant for his prosecution in this case and on that basis, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram