

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 328 of 2018

Vijay Bhardwaj S/o Itwariram Bhardwaj Aged About 36 Years Caste
Suryavanshi, R/o Village Jhalmala, Police Station Mulmula District Janjgir
Champa Chhattisgarh, Chhattisgarh ----- **Applicant**

Versus

State Of Chhattisgarh Through Station House Officer Police Station Mulmula
District Janjgir Champa Chhattisgarh, Chhattisgarh ----- **Respondent**

For Applicant	:	Ms. Nirupama Bajpai, Advocate
For Respondent/State	:	Shri Chandresh Shrivastava, PL

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

16/03/2018

Heard.

1. The applicant has been arrested in connection with Crime No.101 of 2017 registered at Police Station- Mulmula, District Janjgir-Champa (CG) for the alleged commission of offence under Section 294, 506, 323, 392 of IPC.
2. Case of the prosecution is that when complainant was going on road he was obstructed by the applicant who was known to him and applicant is a neighbour. It is stated that complainant had given 50/- to the applicant and later on, a complaint was lodged by the complainant stating that Rs.4960/- looted by the applicant and also mobile.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated on an exaggerated story. There are some dispute between the applicant and complainant with regard to loan liability and the complainant has lodged false report against the applicant. The applicant is known to the applicant and is a neighbour. He further submits that no details of the mobile or sim no. were given nor any such mobile has been seized from the possession of the applicant and only Rs.850/- has been seized from the possession of the applicant.
4. On the other hand, learned State counsel opposes by submitting that looking

to the allegation that the applicant looted Rs.4960/- from his neighbour after he was paid Rs.50/- to the neighbour by way of loan, prima faice case is made out.

5. Having considered the submission of learned counsel for the parties, amount involved and further taking into consideration that the applicant is in jail since 10.10.2017, investigation is complete, charge-sheet has been filed and that there is no material to show that the applicant is likely to abscond or tamper with the prosecution witnesses, the application is allowed.
6. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- along with two local sureties for the like amount to the satisfaction of the concerned trial Court with following further conditions:
 - (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge