

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 900 of 2018

Bhola Gayakwad S/o Parvat Gayakwad Aged About 18 Years R/o New Krishna Nagar, Near Rajeev Kirana Stores Supela Bhilai District Durg Chhattisgarh, District : Durg, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through District Magistrate District Durg Chhattisgarh, District : Durg, Chhattisgarh

---- Respondent

For Applicant	:	Shri K.P. Sahu, Advocate
For Respondent/State	:	Shri Satish Gupta, Govt. Advocate

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

Order On Board

06/04/2018

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.227/2017, registered at Police Station – Bhilai Nagar, District – Durg (C.G.), for the offence punishable under Section 392, 34 of the Indian Penal Code.
2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. Applicant is in jail since 21.05.2017. No case is made out against this applicant on the basis of the material present in the charge-sheet. It is submitted that the witnesses, who have been examined before the trial Court have not identified the applicant and also the independent seizure witnesses have turned hostile in this case. Hence, prayed that the applicant may be enlarged 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 learned counsel for both the parties and perused the case diary.
5. The case of the prosecution in brief is that on 20.05.2017 at about 8.30 PM, two unknown persons looted the mobile phone of the complainant- Rahul Soni by throwing Chili powder in his eyes. After lodging of FIR, the stolen mobile was recovered from this applicant. Hence, this case.
6. Considered on the submissions made and the contents of the case diary and also perused the certified copy of the statement of the witnesses. As there is no criminal antecedents and the applicant himself appears to be of tender age, the trial against him is still not completed, he is in jail since 21.05.2017 and further that co-accused Karan Singh Juneja has already been granted bail by this Court in MCRC No.800 of 2018, hence for these reasons, 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/-
(Manindra Mohan Shrivastava)
Judge