

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 795 of 2018

- Joganand Bishwash @ Joga S/o Shri Bikas Chand Bishwash aged about 32 years, R/o quarter No. 2/38, Ambedekar Park Kirandul Thana- Kirandul, civil & Revenue Distt.- Dantewada (Chhattisgarh).

---- Applicant

Versus

- State Of Chhattisgarh Through: Station House Officer, Police Station- Kirandul, Civil & Revenue Distt.- Dantewada (Chhattisgarh).

---- Respondent

For Applicant	: Mr. Sunil Sahu, Advocate.
For Respondent/State	: Mr. Anant Bajpai, Penal Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

02/04/2018

1. Heard.
2. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 77/2017 registered at Police Station- Kirandul, District – Dantewada (Chhattisgarh) for the offence punishable under Sections 307, 397, 450, 354 of the Indian Penal Code.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case, the applicant is in jail since 23.09.2017, charge-sheet has been filed after completion of the investigation. The complainant has not been identified this applicant in the investigation. Applicant has been roped in for all the offences registered, only for the reason that some articles have been seized at the instance of the

applicant and therefore, no case is made out against the applicant, hence, it is prayed that applicant be enlarged on regular bail.

4. Learned State counsel opposes the bail application and submits that according to the statement given by the applicant on memorandum, he has admitted commission of offence and has led to the recovery of the stolen articles which has been identified by the complainant, hence, he is not entitled for grant of regular bail.
5. Heard both the parties and perused the case diary.
6. As per the case of the prosecution on 21.09.2017 some unknown person caught hold of complainant Sudha Tiwari and tried to strangle her, later on snatched her gold chain and bangle from her body and fled from the spot of occurrence. After lodging of the FIR during investigation some gold ornaments at the instance of the applicant which were identified in the test identification parade by the complainant herself.
7. Considering the entire material present in the case diary, the allegation against this applicant is based on the recovery of the articles at the instance of the applicant and on that basis it has been presumed that he has committed all the crimes in question which shall be examined by the trial Court on the basis of the evidence brought before it during trial. For this reason, I am of this opinion that applicant should be benefited with grant of regular bail.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge