

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1137 of 2018**

Chhotu @ Ankit Dhruv S/o Umendra Dhruv, Aged about 24 years, R/o Satya Nagar Ameri, Police Station Chakarbhata, District Bilaspur (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through : Police Station Kota, District Bilaspur (C.G.)

---- Non-applicant

For Applicant	:	Mr. Vivek Tripathi, counsel on behalf of Shri Malay Kumar Bhaduri, Advocate.
For Non-applicant/State	:	Mr. Ashish Surana, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

17/04/18

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.384/2017 registered at Police Station Kota, District Bilaspur (C.G.) for the offence punishable under Section 393,34 of the Indian Penal Code.

3. Case of the prosecution, in brief, is that the applicant and 2 other accused persons attempted to commit robbery and thereby committed the aforesaid offence.

4. Learned counsel for the applicant would submit that the applicant has not committed any offence and has been falsely implicated in crime in

question, he has not been identified by the villagers, he is in jail since 24-11-2017 and charge-sheet has been filed, therefore, he may be released on regular bail.

5. On the other hand, learned counsel for the State would oppose the bail application.

6. I have heard learned counsel appearing for the parties and perused the case diary.

7. Taking into consideration the facts and circumstances of the case, further taking into consideration the nature and gravity of the offence, role of the applicant, no material evidence of identification available on record and the fact that the applicant is in custody since 24-11-2017, this Court is of the opinion that present is a fit case in which the applicant should be enlarged on regular bail.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed. It is directed that the 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.

Sd/-
(Sanjay K. Agrawal)
Judge