

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 5995 of 2017**

1. Sarju Sriwas @ Jailal Sriwas, S/o. Kawal Sai, Aged About 30 Years, R/o. Sunguda Balco, Tehsil & District -Korba, Chhattisgarh.
2. Mahaveer Yadav, S/o. Brijlal (wrongly typed as Bijlal) Yadav, aged about 19 years, R/o. Upar Para -Chuhiya, Police Station -Balco Nagar, Tehsil & District -Korba Chhattisgarh.

---- Applicants**Versus**

State of Chhattisgarh, Through : Station House Officer, Balco Nagar, Tehsil & District -Korba Chhattisgarh.

---- Respondent

For Applicants : Mr. Surfaraj Khan, Advocate

For Respondent/State : Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****09/01/2018**

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 applicants, who have been arrested in connection with Crime No.208/2017, registered at Police Station – Balco Nagar, District – Korba (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 applicants that the applicants have been falsely implicated in this case on account of some previous enmity with the complainant. There is no substance in

the case of prosecution against the applicants to hold them guilty for offence charged against them. The case is before the trial Court and the applicants are in jail since 20.08.2017, applicants do not have any criminal antecedents and are residents of District – Korba, who are ready to abide by all the conditions imposed while granting bail, hence prayed that the applicants may be granted regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that on the basis of the memorandum statement given by the applicants, cash, driving license and PAN Card, ATM etc. have been recovered from them, which shows their involvement in the commission of offence, therefore, the applicants are not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. Complainant Akshay Dubey lodged FIR that two unknown persons stopped him on way by thrashing him with club looted cash Rs.10,650/-, ATM card, driving license, RC book. Some cash and the documents mentioned above have been recovered from the applicants and the applicants have also been identified by the complainant in test identification parade.
6. Considered on the submission made and the contents of the case diary. The applicants do not have any criminal antecedents, they are local resident of District – Korba, trial of the case is likely to take sometime for its completion, appearance of the applicants before the trial Court can be ensured by imposing conditions, for these reasons,

this Court is of the opinion that present is a fit case, in which, the applicants 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 applicants shall be released on bail on each of them 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 their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge