

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1864 of 2018

Surendra Kumar Lahre S/o Rameshwar Lahre, aged about 27 years, R/o. Village- Khaija, Bhatapara, Police Station- Baloda, District- Janjgir-Champa (C.G.).

---- Applicant

Versus

State of Chhattisgarh Through: The Station House Officer, Arakshi Kendra, Baloda District- Janjgir-Champa (C.G.).

---- Respondent

For Applicant	:	Mr. Rajat Agrawal, Advocate
For Respondent	:	Mr. U.K.S. Chandel, PL

Hon'ble Shri Justice Arvind Singh Chandel
Order on Board

26/04/2018

1. The applicant has preferred first bail application under Section 439 of the Cr.P.C for grant of regular bail as he is arrested in connection with Crime No. 232/2017 registered at Police Station- Baloda, District- Janjgir-Champa (C.G.) for the offence punishable under Sections 341 and 394 of IPC.
2. As per the prosecution story complainant- Karan Kumar lodged a FIR in Police Station- Baloda alleging that on 25/11/2017 at about 2:00 pm, while returning from Pantora to Chhitapali, near forest, two unknown persons wrongly restrained him and one of them assaulted him with lathi and both of them looted two mobile sets and cash of Rs. 2,000/- from him. It is further alleged that thereafter they called one another person and ran away with him from the place of occurrence.
3. Learned counsel appearing on behalf of the applicant submits that

though all the three persons were identified by the complainant during test identification parade yet the present applicant is not the main accused. He further submits that the applicant is innocent and other co-accused namely Rajesh Kurre and Subhash Lahre have already been released on bail vide order dated 13/04/2018 passed in MCRC No. 962/2018. The applicant is in jail since 22/12/2017, charge-sheet has been filed and the trial will likely to take some time, therefore, he may be released on bail.

4. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned counsel for both the parties.
6. Considering the above facts and circumstances of the case, particularly, the fact that the offence is triable by a Judicial Magistrate First Class, the applicant is in jail since 22/12/2017 and the trial is likely to take time, without further commenting on merits of the case, I am inclined to release the applicant on bail.
7. Accordingly, MCRC. No.1864/2018 is allowed. It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 10,000/- with one surety for the like amount to the satisfaction of the trial Court. Thereafter, he will appear before the Trial Court on each and every date given by the said Court.

Sd/-
Judge
Arvind Singh Chandel