

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2140 of 2018

Vikash Sharma @ Vicky S/o Pradeep Sharma Aged About 24 Years R/o-
Gokulpur Ward, Dhamtari, Post Office And Police Station Dhamtari, Tahsil
And District- Dhamtari, Chhattisgarh **---- Applicant**

Versus

State Of Chhattisgarh Through- Police Station- City Kotwali, Dhamtari,
District- Dhamtari, Chhattisgarh **---- Respondent**

For Applicant	:	Shri R.K. Bhagat, Advocate
For Respondent/State	:	Shri Manish Nigam, PL

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

Order On Board

27/04/2018

The first bail application is dismissed as withdrawn on 02.01.2018.

1. The applicant has been arrested in connection with Crime No.413 of 2017 registered at Police Station- City Kotwali, District Dhamtari (CG) for the alleged commission of offence under Section 394, 34, 120-B of IPC.
2. Case of the prosecution is that the applicant and other two juveniles accused looted a bag containing cheques.
3. Learned counsel for the applicant would submit that the applicant has been involved in the offence only on the basis of suspicion without there being any involvement. He would submit that allegedly looted person Khemlal Sahu has been examined as prosecution witness and he stated before the Court that he could not identify the accused because chilly powder was thrown in his eyes and he identified the applicant only at the instance of the police officer stating that the present applicant is the offender. He further submits that no recovery of any looted article has been made from the applicant. He submits that the applicant is in jail since 07.10.2017 and therefore, at this stage, he may be granted bail as he is not likely to abscond.
4. On the other hand, learned State counsel opposes the prayer for grant of bail by submitting that the allegation against the present applicant is prima facie made out from the fact that the other two juveniles who have been

arrested, has also named the present applicant. At this stage, the applicant may not be granted bail.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the submission with regard to the deposition of the looted person and further taking into consideration that there is no recovery made from the present applicant, the application is allowed.
6. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- along with two local sureties for the like amount to the satisfaction of the concerned trial Court with following further conditions:
 - (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge