

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.1765 of 2018**

- Arvind Sonwani S/o Dhaneshwar Sonwani Aged About 20 Years Caste Cherwa, R/o Haldibadi Chirmiri, P. S. Chirmi, Tahsil Khadgawan, District Koriya Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Chirmiri, District Koriya Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh

---- Respondent

MCRC No. 2088 of 2018

- Ravi Kumar Navik @ Pokde S/o Ramprakash Aged About 19 Years R/o- Nearby Railway Station, Chirmiri, Police Station, Chirmiri, Tahsil Khadgawa, District- Korea, Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Of Police Station Chirmiri, District-Korea, Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

--- Respondent

For Applicants : Shri Pushkar Sinha and Shri Anil Gulati, Advocates
 For Respondent/State: Shri Satish Gupta, GA

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****27/04/2018**

Heard.

2. The aforesaid two bail applications (M.Cr.C.Nos.1765 & 2088 of 2018) are being disposed off by a common order as both the applications arising out of same crime number.

3. The applicants in the aforesaid two bail applications have moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.419/2017 registered at Police Station Chirmiri, District

Koriya for the offence punishable under Section 394 of IPC.

4. Case of the prosecution is that the applicants looted cash of Rs.4,000/- and mobile phone from the driver of truck in a highway.

5. Learned counsel for the applicants submitted that the applicants have been arrested only on suspicion and the mobile is alleged to have been seized from third co-accused and not from the present applicants. He further submits that the applicants were subjected to Test Identification Parade, in which, victims have not identified them as the persons who looted him, therefore, at this stage, when charge sheet has been filed and there is no antecedent of commission of similar offence, it is prayed that the applicants may be granted bail.

6. On the other hand, learned State counsel opposed the prayer for grant of bail on the submission that though the applicants may not have been identified by the victims, at this stage, it is only corroborative and the substantive evidence will be dock identification during trial. He further submits that from the third accused, mobile phone has been seized and from the present applicants, cash has been seized.

7. Having considered the submission of learned counsel for the parties, particularly taking into consideration that from the third accused, mobile phone has been seized and from the present applicants, only cash has been seized and the fact during test identification parade, the applicants have not been identified by the victims, I am inclined to grant bail to the applicants.

8. Accordingly, the aforesaid two bail applications (M.Cr.C.Nos.1765 & 2088 of 2018) are allowed. It is ordered that the applicants in aforesaid two bail applications shall be released on bail on each of them furnishing a personal bond of Rs.25,000/- along with one surety of the like amount to the satisfaction of the trial Court on the condition that they shall appear before the trial Court regularly on each and every date, unless exempted.

SD/-
(**Manindra Mohan Shrivastava**)
J U D G E