

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No.2599 of 2018**

Manoj @ Bablu, son of Keshav, aged about 32 years, R/o Kshatrapati Shivaji Para, Milan Chowk, P.S. Chhawani, District Durg, Chhattisgarh

---- Applicant**versus**

State of Chhattisgarh through the District Magistrate, Durg, District Durg, Chhattisgarh

---- Respondent

For Applicant	:	Shri Uttam Pandey, Advocate
For Respondent	:	Shri Sameer Behar, Panel Lawyer

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****10.5.2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the Applicant who has been arrested in connection with Crime No.494 of 2006 registered at Police Station Anjora, District Durg for offence punishable under Section 392/34 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that on 29.12.2006, Complainant Maheshwar lodged a report that on the said date when he was returning from Khursipar in a Minidor, he was carrying one portable TV with him. 8-9 boys (passengers) were also sitting in the said Minidor. It is alleged that at about 9:20 p.m., on the road to Mahamara, one passenger of the same Minidor, by showing a knife, stopped the Minidor. Thereafter, all the passengers took bag, portable TV and cash of Rs.300/- from the Complainant and ran away.

3. Learned Counsel appearing for the Applicant submits that the First Information Report is not a named one. The alleged incident took place on 29.12.2006. The present Applicant has been arrested only on the basis of memorandum statement of co-accused Sanjay Kumar. There is no evidence available against the present Applicant regarding the crime in question. No test identification parade of the Applicant was conducted. No seizure has been made from him. He is in custody since 5.3.2018. Therefore, he may be released on bail.
4. Learned Counsel appearing for the Respondent/State opposes the bail application.
5. I have heard Learned Counsel appearing for the parties and perused the entire material available with due care.
6. Considering the facts and circumstances of the case, particularly that the FIR is not a named one, no test identification parade of the Applicant was conducted after his arrest, no seizure has been made from him, charge-sheet has been filed, he is in custody since 5.3.2018, without further commenting on merits of the case, I am inclined to release him on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on furnishing a personal bond in the sum of Rs.20,000/- with one local solvent surety in the like sum to the satisfaction of the concerned Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
JUDGE