

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 2569 of 2018**

Anup Badaik son of Gangadhar, aged about 25 years, caste Badaik, resident of village Kutmakachhar, Police Station Kurdeg, District Simdega, Jharkhand

---- Applicant**Versus**

State of Chhattisgarh through Station House Officer, Police Station Tapkara, District – Jashpur (CG)

---- Respondent

For Applicant	:	Shri J. K. Saxena, Advocate
For Respondent/State	:	Ms. Sunita Jain, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****08/05/2018**

This is the first bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicant who is in jail since 10.09.2017 in connection with Crime No. 39/2016 registered at Police Station- Tapkara, District Jashpur (CG) for the offence punishable under Sections 395, 397 of IPC and 25 & 27 of Arms Act.

2. The allegation against the present applicant as per the prosecution is that he along with 5 other accused persons is said to have entered the house of complainant Amrus Kujur on 24.05.2016 and looted the complainant of Rs.7,000/- and two mobile sets. The present applicant has been arrested on the memorandum statement of an accused.

3. Counsel for the applicant submits that it is a case where the applicant has been falsely implicated in as much as the applicant has not

been properly identified for the reason that the complainant from the very outset of his complaint has been stating that all the persons who had entered his house covered their face yet in the identification parade the complainant could identify the present applicant which is hard to believe. He further submits that no recovery whatsoever has been made from the applicant. In addition, the applicant has been arrested or implicated in the instant case only on the statement of the co-accused. Thus, prayed for grant of bail.

4. Though State counsel opposes the bail application, she does not dispute the contention of the counsel for the applicant.

5. Given the aforesaid facts and circumstances of the case, this Court is of the opinion that prima facie a strong case for grant of bail has been made out.

6. Accordingly, the application for grant of bail is allowed. It is directed that the present Applicant will be released on bail on his 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 his appearance before the said Court as and when directed.

**Sd/-
(P. Sam Koshy)
JUDGE**