

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 3601 of 2018**

1. Khagendra @ Pintoo Yadav, S/o. Late Hiralal, Aged About 25 Years, R/o- Village- Rahod, Police Station Shivareenarayan and District- Janjgir-Champa, Chhattisgarh.
2. Setram Jangde, S/o. Dataram, Aged About 26 Years, R/o- Village- Dudhga, Police Station Pamgarh District- Janjgir-Champa, Chhattisgarh.
3. Dharmendra Kumar Rajak, S/o. Omprakash, Aged About 20 Years, R/o- Village- Lawan, Police Chowky Lawan, Tahsil- Kasdol, District- Balodabazar, Chhattisgarh.
4. Lokesh Nirmalkar, S/o. Kanhaiyalal, Aged About 25 Years, R/o- Village- Rahod, Police Station Shivareenarayan, District- Janjgir-Champa, Chhattisgarh.
5. Vipin Kumar Banjare, S/o. Sahaveer, Aged About 26 Years, R/o- Village Dongakohraud, District- Janjgir-Champa, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through- Its Police Station Shivareenarayan District- Civil And Revenue District- Janjgir-Champa, Chhattisgarh.

---- Respondent

For Applicants	: Mr. Ravi Maheshwari, Advocate
For State/respondent	: Mr. Anant Bajpai, P.L.
For Objector	: Mr. B.L. Sahu, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****03/07/2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants, who have been arrested in connection with Crime No.82/2017, registered at Police Station – Shivareenarayan, District – Janjgir-Champa (C.G.), for the offence punishable under Section 341 and 395

of the Indian Penal Code.

2. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case. Applicants are in jail since 03.04.2018. Charge-sheet has been filed after completion of investigation and no case is made out against the applicants. It is submitted that the applicants and the complainant have entered into compromise, as the case is not compoundable, hence, the applicants have to face the trial. Hence, it is prayed that the applicants may be enlarged on bail.
3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that one of the co-accused Pintu Yadav has criminal history of having being prosecuted for offence under Section 307 of I.P.C. in the year 2007, hence, the applicants are not entitled for grant of bail.
4. Counsel for the complainant submits that the complainant has no objection, if the applicants are granted bail.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. According to the case of the prosecution, on the date of incident all these applicants stopped the complainant Rajaram Chauhan on his way and looted the cash of Rs.5000/-, ATM and pass book etc. from his possession. Hence, this case.
7. Considered on the submissions made and the contents of the case diary. Considering on all the material present in the case diary, the case is presently before the trial Court and the trial of the case is likely to take some time for its conclusion and there appears there is no

criminal antecedents of the applicants regarding similar allegation or regarding economic offence and also considering the fact that the complainant is interested that the applicants should be granted bail, hence for this reason, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
9. It is directed that applicants shall be released on bail on their 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 their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge