

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6466 of 2018**

- Vishwjeet @ Lali S/o Late Lakhbir Singh, aged about 24 years, R/o behind Fish Market New Khurseepar, Durg (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh - Through : The District Magistrate, Durg. Tahsil and District Durg (C.G.)

---- Respondent

For Applicant. : Shri Avinash Chand Sahu, Advocate.
 For Respondent. : Shri Aditya Sharma, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****04/10/2018**

1. The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody since 22.05.2018 in connection with Crime No.70/2018 registered at Police Station : Bhilai Bhatti, District Durg (C.G.) for the offence punishable under Sections 394, 397 and 120(B) IPC.
2. As per the prosecution case, on 16.05.2018 the applicant and co-accused had hired the car of complainant Sandeep Rangari to go to Power House, Bhilai from Rajnandgaon. One accused sat on front seat whereas another on rear seat. When they reached near Sector-1 'A' Market Bhilai, the accused who was sitting on rear seat assaulted the complainant by knife on his neck and when he tried to open the door of car, he was caught hold by another accused who

was sitting on front seat and gave knife blow on his head and back and both the accused persons fled away from the spot taking the complainant's car.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question and he has been arrested only on the basis of memorandum of co-accused which is not admissible in evidence. He has further submitted that no identification of seized article was conducted and that no articles has been recovered from the possession of the applicant.
4. On the other hand, State counsel opposes the bail application.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the totality of the facts and circumstances of the case, in particular the evidence adduced by the prosecution and his detention period, this Court is of the opinion that it is a fit case to release the applicant on bail.
7. Accordingly, the application is allowed and the accused/applicant is directed to be released on bail on his furnishing a personal bond of Rs.25,000/- with one surety for the like sum to the satisfaction of the concerned Court for his appearance before it as and when directed.

Sd/-

(Rajani Dubey)
Judge