

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6312 of 2018**

- Mayur Bervansh @ Raja S/o Mahesh Bervansh Aged About 19 Years
R/o- Gulab Nagar, Inside Of The Chirkuti Mandir Gali, Gudhiyari, Post
Office- Raipur, Police Station- Gudhiyari, Raipur, District- Raipur,
Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through- Station House Officer, Police Station-
Gudhiyari, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondent

For Applicant	: Mr. Shivendu Pandya, Advocate
For State/respondent	: Mr. Rahul Tamaskar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****13/09/2018**

1. This is the second bail application filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973. His first application was dismissed for want of prosecution.
2. This bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.124/2018 registered at Police-Station-Gudhiyari, District-Raipur(C.G.) for the offence punishable under Section 307 & 397/34 of the Indian Penal

Code and 25/27 of the Arms Act.

3. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against him according to the material present in the charge-sheet filed against him. Hence, it is prayed that he may be enlarged on regular bail.
4. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per the case of prosecution, the incident took place on the intervening night of 5 and 6 March, 2018, two unknown persons looted Khilendra Sahu of his mobile phone and when the complainant tried to stop them, one of the culprits assaulted with knife and caused him stab and other injuries. After lodging of FIR, this applicant and the co-accused were apprehending who were later on identified by the complainant in Test Identification Parade (TIP) and the mobile phone has been recovered from the possession of this applicant.
7. Looking to the tender age of the applicant and also that he has no criminal antecedent. For these reasons, I am of the view that this is a fit case where applicant should be released on regular bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. are allowed. It is directed that applicant shall 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 as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)

Judge

Nisha