

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 4319 of 2018

- Santosh Pandey S/o Shrikant Pandey, Aged About 48 Years R/o Gogaon, Sukhram Nagar, P.S. Gudhiyari, District Raipur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Khamtarai, Raipur Chhattisgarh.

---- Respondent

AND

MCRC No. 6951 of 2018

- Suraj Dev Singh @ Golu Singh S/o Chhotu Singh Aged About 23 Years R/o Sukhram Nagar, Gogaon, Police Station- Gudhiyari, Raipur, District- Raipur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station- Khamtarai, Raipur, District- Raipur, Chhattisgarh.

---- Respondent

For Applicant (in MCRC 4319/2018) : Mr. N.Naha Roy, Advocate
For Applicants (in MCRC 6951/2018): Mr. N.Naha Roy, Advocate
For Respondent/State : Mr. Sangharsh Pandey, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order on Board

06/10/2018

1. Since both the cases arise out of same crime number, therefore, they are being disposed of by this common order.
2. The applicants have preferred these bail applications under Section 439 of the Cr.P.C for grant of regular bail as they are arrested in

connection with Crime No. 164/2018 registered at Police Station-Khamtarai, Raipur (C.G.) for the offence punishable under Section 394, 34 of the IPC.

3. As per prosecution story, on 15.03.2018 at about 5:30 PM near Gondwara Railway Gate complainant Ashish playing game on his mobile phone, allegedly both the applicants came there and some dispute arose between them, the applicants assaulted the complainant, looted his mobile phone and fled away from the spot. On the basis of said report, offence has been registered against the present applicants and they have been arrested on 16.03.2018.
4. Counsel for the applicants submit that both the applicants are innocent and have been falsely implicated in the present case. He further submits that the complainant Ashish has already examined before the Trial Court and in his Court statement he has not stated anything against the applicants and did not identify the present applicants, even in his jail identification parade he did not identify any person. He further submits that both the applicants are in jail since 16.03.2018 and trial will take some time, therefore, the applicants may be released on bail.
5. Per contra, learned counsel appearing on behalf of the State opposes the bail applications.
6. I have heard learned counsel for both the parties.
7. Considering the above facts and circumstances of the case, particularly considering the fact that the complainant Ashish has already examined before the Trial Court and in his Court statement he has not stated anything against the applicants and did not identify the

present applicants, the applicants are in custody since 16/03/2018 and trial will likely to take some time to conclude, without further commenting on merits of the case, I am inclined to release them on bail.

8. Accordingly, the bail applications are allowed.
9. It is directed that the applicants shall be released on bail on each of them executing a personal bond for a sum of Rs. 20,000/- with one local solvent surety in the like sum to the satisfaction of the trial Court for their appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge