

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 6992 of 2018**

- Sarfuddin S/o Mohammad Safi Aged About 25 Years R/o Makrana, Ikbalpura, Purani Madarsa Rajasthan, At Present House of Manoj Agrawal, Mission Road, Korba, District - Korba, Chhattisgarh.

**---- Applicant****Versus**

- State of Chhattisgarh Through The Station House Officer, Police Station Kotwali, Korba, District - Korba, Chhattisgarh.

**---- Respondent****AND****MCRC No. 7934 of 2018**

- Nitesh @ Lalla S/o Ravindra Naath, aged about 28 Years R/o Sarvmangla Road, Main Road, Tavar Ke Paas, Korba Tahsil and District Korba Chhattisgarh.

**---- Applicant****Versus**

- State of Chhattisgarh Through The Station House Officer Police Station Kotwali, Korba District Korba Chhattisgarh.

**---- Respondent**

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| For Applicant (In MCRC No. 6992/2018) | : Shri Akhtar Hussain, Advocate.  |
| For Applicant (In MCRC No. 7934/2018) | : Shri Vikash Pandey, Advocate.   |
| For Respondent/State                  | : Shri Sangharsh Pandey, Dy. G.A. |

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**Hon'ble Shri Justice Arvind Singh Chandel**  
**Order On Board**

**07/12/2018**

1. Heard.
2. Since both cases arise out of same Crime No., therefore, they are being disposed of by this common order.

3. The Applicants have preferred their first bail applications under Section 439 of Cr.P.C. for grant of regular bail as they are arrested in connection with crime No. 384/2018, registered at Police Station – Kotwali, Korba, District- Korba, (C.G.) for the offence punishable under Section 394 & 365 of the Indian Penal Code.
4. As per the prosecution story, on 11.06.2018 at about 08:30 pm Complainant Shailendra Kumar Sharma was coming back after repairing of Laptop and while he was crossing the road, accused/Applicant Nitesh @ Lalla (in MCRC No. 7934/2018) and a juvenile co-accused Vikram who were riding a motorcycle, dashed him with motorcycle. Thereafter, Applicant (in MCRC No. 6992/2018) Sarfuddin and co-accused Pankaj came there and demanded money from him. It is further alleged that they abused and looted the laptop of Dell company, one Lenovo mobile and purse from the complainant. On the basis of the above, offence has been registered against the Applicant Sarfuddin (in MCRC No. 6992/2018) and Nitesh @ Lalla (in MCRC No. 7934/2018). During course of investigation, one motorcycle bearing registration No. CG-12-AQ-8235 and one Activa bearing registration No. CG-12-AS-5999 have been seized from the possession of the Applicants Nitesh @ Lalla and Sarfuddin respectively. The Applicants are in custody since 12.06.2018.
5. Learned Counsel appearing on behalf of the Applicants submit that the Applicants are innocent and have been falsely implicated in the case. Counsel for the Applicant Nitesh (in MCRC No. 7934/2018) has further submitted that the Complainant Shailendra Kumar Sharma has already been examined before the Trial Court and in his statement, he has categorically stated that the Applicant Nitesh was not involved in the offence in question. Counsel for both the Applicant also states that charge-sheet has already been filed and trial will take some time. Both the Applicants are in custody since 12.06.2018. Therefore, they may be released on bail.
6. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.

7. I have heard learned Counsel for the parties and perused the case diary.
8. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the Applicants are in custody since 12.06.2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release them on bail.
9. Accordingly, the bail application is allowed.
10. 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 solvent surety for the like amount to the satisfaction of the Trial Court for their appearance before the said Court as and when directed.

Sd/-  
**(Arvind Singh Chandel)**  
**Judge**