

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7352 of 2017

1. Nagendra Kumar Pandey @ Nanhe S/o Mr. Ramashrey Pandey, Aged About 26 Years R/o Village Hardevpur, Police Station Gopiganj, District Bhadohi Uttar Pradesh., Uttar Pradesh
2. Ram Krishna Misha S/o Mr. Madan Mohan Mishra Aged About 26 Years R/o Village Uchdih, Police Station Vidhyanchal, District Mirzapur Uttar Pradesh., District : Mirzapur, Uttar Pradesh

---- Applicants

Versus

- State Of Chhattisgarh Through The Police Station G. R. P. Raipur, Chhattisgarh

---- Respondent

For Applicants	:	Mr. Raza Ali and Mr. Chakresh Tiwari, Advocates.
For Respondent	:	Mr. Aaditya Sharma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

17/01/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No.241/2017, registered at Police Station-G.R.P. Raipur, for the offence punishable under Section 392 of the Indian Penal Code (for short 'IPC').
2. Learned counsel for the applicants submits that applicants are innocent and have been falsely implicated in this case. It is submitted that compromise has taken place between applicants and the complainant in this case, but the case is not compoundable under the

law. The trial against the applicants is still pending and it is also submitted that the complainant has been examined before the Court and he has totally changed the version of his statement given earlier and the statement given in FIR lodged by him. Applicants are in jail since 17.8.2017. The trial of the case is likely to take some time, hence, it is prayed that applicants be released on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that there is clear evidence against the applicant and the complainant has not turned hostile before the trial Court, hence, no case is made out for grant of bail.
4. Heard both the parties and perused the case diary.
5. According to FIR lodged by complainant Manoj Kumar Yadav, Constable in CRPF, on the date of incident he went to the SBI ATM in Railway Station, Raipur and had withdrawn the amount of Rs.24,000/-. At that time the applicants and one another, who were present inside the ATM caught hold of him and forcefully took away the amount withdrawn by him. Complainant lodged FIR in the Police-Station -G.R.P.- Raipur, thereafter, the case was registered against the applicant.
6. Considered the submissions made, contents of the case diary and also perused the statement of the complainant before the trial Court. After overall consideration of the case against the applicant, I am of this view that this is a fit case where the applicants should be enlarged on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicants shall be released on bail on their furnishing a personal bond for a sum of Rs.25,000/- each with

one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha