

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7586 of 2017**

1. Kantinandan Yadav, S/o. Late Aaju Ram Yadav, Aged About 26 Years,
2. Ramnarayan Yadav, S/o. Siya Ram Yadav, Aged About 30 Years, R/o. Village Pipersatti (Darrapara), Police Station and Tahsil Akaltara, District -Janjgir- Champa, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through : S.H.O. -Akaltara, District -Janjgir- Champa, Chhattisgarh.

---- Respondent

For Applicants : Mr. Ravindra Sharma, Advocate

For Respondent/State : Mr. Wasim Miyan, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**30/01/2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants, who have been arrested in connection with Crime No.191/2015, registered at Police Station – Akaltara, District – Janjgir-Champa (C.G.) for the offence punishable under Section 394/34 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case. Applicants are in jail since 23.09.2017, charge-sheet has been filed after completion of

investigation. Applicants do not have any criminal antecedents, they are local resident of District – Janjgir-Champa and willing to abide by all the conditions as imposed while releasing them on bail. Therefore, it is prayed that applicants be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that there is sufficient evidence against the applicants for their prosecution and they are not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. Complainant – Narayan Singh Gond, has lodged FIR in Police Station – Akaltara alleging in it that on the date of incident, he was stopped on the way by three unknown persons and after assaulting with club, the motor cycle bearing registration No.C.G.11C.F.-5826 and his Sumsung mobile was looted by them. During the investigation, applicants were apprehended and applicant No.1 – Kantinandan Yadav was identified by the complainant in test identification parade and one mobile set was recovered from him, similarly, motor cycle has been recovered and seized from the applicant No.2.
6. Considered the submission made and the contents of the case diary. Taking into consideration the facts and circumstances of the case and further taking into consideration the fact that the applicants do not have any criminal antecedents, they are local resident of District – Janjgir-Champa, their availability before the trial Court can be ensured by imposing conditions and no purpose would be served, if they are kept in detention till the conclusion of trial, this Court is of the opinion that

present is a fit case, in which, the applicants should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicants shall be released on bail on their 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 their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge