

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7659 of 2017**

Kamlesh Dewangan, S/o. Ramkumar Dewangan, Aged About 29 Years, R/o. Dewangan Mohalla, Ward No.05, Sanjay Nagar Supela, P.S. Supela, District Durg, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station Supela, District -Durg Chhattisgarh.

---- Respondent

For Applicant : Mr. B.P. Singh, Advocate

For Respondent/State : Mr. Anant Bajpai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**13/02/2018**

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 applicant, who has been arrested in connection with Crime No.342/2017, registered at Police Station – Supela, District – Durg (C.G.) for the offence punishable under Section 397, 34 of the Indian Penal Code and Section 25, 27 of Arms Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. Applicant is in custody since 16.05.2017, no offence is made out on the basis of the

material in the charge-sheet filed before the Court and the trial against him is likely to take sometime for its completion, applicant is ready to abide by all the conditions imposed while releasing him on bail. Therefore, it is prayed that applicant 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 evidence to show that applicant was involved in the commission of offence and that he has history of criminal case registered against him under Section 25 and 27 of Arms Act, hence, he is not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. The prosecution case in brief is that complainant T. Ravi Raju lodged FIR at Police Station – Khurshipar stating that on the date of incident at about 8.00 PM, when he was returning with collected amount, cheque book and receipt books kept in a bag, two unknown person on motor cycle dashed against him and then after hitting on his head with club brandished a knife and snatched the bag in his possession and run away. During the investigation, applicant was apprehended and one knife, bag and cash of Rs.5,000/- was recovered from his possession. Applicant was identified in test identification parade by the complainant, hence, this case.
6. Considered the submissions made and the contents of the case diary and also perused the statement of the complainant T. Ravi Raju, before the trial Court, in which he has not identified the applicant before the Court. Further taking into consideration that the applicant is

local resident of District – Durg and the trial against him is likely to take some time, hence for this reason, this Court is of the opinion that present is a fit case, in which, the applicant 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 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge