

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7843 of 2017

1. Dubraj Nat S/o Mahatma Nat, Aged About 29 Years, R/o Village Diwanpur, Police Station Pathalgaon, District Jashpur, Chhattisgarh., Chhattisgarh
2. Motilal Nat S/o Basantlal Nat, Aged About 29 Years, R/o Baniyapara, Nawapara, Police Station Sitapur, District Sarguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Police Station- Kota, District Bilaspur, Chhattisgarh., Chhattisgarh

---- Non-applicant

For Applicants – Shri Dharmesh Srivastava, Advocate.

For Non-applicant/State – Shri Vivek Singhal, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

05-03-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicants for grant of regular bail. The applicants have been arrested on 31-03-2017 in connection with Crime No.79/2017 registered at P.S. Kota, District Bilaspur, Chhattisgarh for the offence under Section 392, 34, 226 of the IPC.
2. It is submitted on behalf of the applicants, that the applicants have been falsely implicated in this case. They are in jail since 31-03-2017. They are local residents of District Sarguja/Jashpur and are ready to abide by all the conditions to be imposed on grant of bail. Hence, it is prayed that the applicants may be granted regular bail.
3. Learned counsel for the State/non-applicant opposes the application and submits that seizure of the article of loot has been made from both the applicants and they have also been identified by the complainant in the TIP. Hence, looking to the evidence against them, they are not entitled for grant of bail.

4. Heard learned counsel for the parties and perused the case diary.

5. On 24-03-2017 at about 9.30 a.m. complainant Titra Ram had withdrawn amount of Rs.55,000/- from his own bank account and had Rs.12,000/- cash in his possession. The total amount of Rs.67,000/- was being carried in a bag by him when the complainant was looted by two unknown persons. After lodging of the FIR, at the instance of both the applicants some amount has been recovered from both the applicants and the applicants were identified by the complainant in the TIP. Hence, this case.

6. Considered on the submissions made and contents of the case diary.

7. Considered on the entire material present in the charge sheet. As there is no criminal history against these applicants about similar nature of offence and their availability before the trial Court shall not be compromised if they are released on bail, hence, for these reasons, I am of this view that the applicants should be released on bail during pendency of the trial against them.

8. Consequently, this application filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge