

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7902 of 2017

- Navratan Singh S/o Patthar Singh, Aged About 19 Years R/o Village Gangdei, Pakhnapura, P. S. Hardi Bazar, Tahsil Katghora, District Korba, Chhattisgarh , Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through S. H. O. Chowki Hardi Bazar, P. S. Kusmunda, District Korba Chhattisgarh , Chhattisgarh

---- Respondent

For Applicant : Mr. H.V. Sharma, Advocate.
For Respondent : Mr. Vinod Tekam, Panel Lawyer.

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

23/01/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.233/2017, registered at Police Station– Chowki Hardi Bazar, PS-Kusmunda, District– Korba(C.G.) for the offence punishable under Sections 395 of Indian Penal Code (for short 'IPC').
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case only on the basis of the memorandum given by one of the accused. There is no other evidence against him in the record of the prosecution case. Hence, it is prayed that he may be released on regular bail.
3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that the co-accused has clearly

named that applicant is one of the culprit in commission of offence.

Hence, he is not entitled for grant of regular bail.

4. Heard both the parties and perused the case diary.
5. As the case is, on the date of incident on 16.11.2017 eight persons having face covered with clothes looted Gangasagar Pathak the complainant and others, who were engaged as watchmen in the construction site of spot in Village-Gangdei. Two numbers of mobile set, Rs.1800/- cash and 200 liter diesel was looted and taken away by the miscreants. Name of Santram was mentioned by one of the persons at the time of incident, on the basis of which FIR was lodged and the said Santram Kanwar has stated in the memorandum statement that applicant was one of them in commission of offence.
6. Considered the submissions made and contents of the case diary and looking to the nature of offence and the age of applicant and that he has no criminal history against him. For this reason, I am of this view that applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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.

Sd/-
(Rajendra Chandra Singh Samant)
Judge