

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 215 of 2018**

Vikky Pandey S/o Gopal Pandey, Aged About 18 Years R/o Bazarpara
Sakri Cercal Sakri P. S. Cakarbhata District Bilaspur Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through P. S. Cercal Sakri P. S. Cakarbhata,
Bilaspur District Bilaspur Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Amit Kumar, Advocate.
For the Respondent/State	:	Shri Ashok Swarnakar, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****22.02.2018**

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.1123 of 2017, registered at Outpost Sakri, Police Station Chakarbhata, District – Bilaspur, Chhattisgarh for the offence punishable under Sections 394, 323 and 411 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. The two co-accused persons in this case have been granted regular bail by this Court and the applicant also has a similar case. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the applicant has a history of two previous cases against him being prosecuted for the charges under the provisions of Indian Penal Code. Hence, the applicant is not entitled for grant of bail.

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

5. On 3.11.2017 at about 8:30 pm, when the complainant on his way to home, four persons stopped him and after assaulting and causing injuries to him, looted the motorcycle and one Micromax mobile from his possession. The complainant came to know about the name of one of the accused – Davvua Verma. At the instance of the applicant, the looted motorcycle has been recovered and seized. Hence, this case.

6. Perused and considered the entire material present in the case-diary of the applicant. Taking into consideration the fact that the applicant intends to challenge the seizure of the motorcycle from his possession and taking into consideration the fact that the co-accused persons in this case have been granted bail by this Court, I am of the considered opinion that the applicant deserves to be released on bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicant shall be released on bail on 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge