

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8114 of 2018**

Kamlesh Verma, S/o Abhimanyu Verma, Aged About 21 Years, R/o Village- Litiya, Thana & Tahsil- Dongargarh, District- Rajnandgaon (C.G.)

---- Applicant

Versus

The State of Chhattisgarh, through District Magistrate, District- Rajnandgaon (C.G.)

---- Respondent

For Applicant : Mr. Parag Kotecha, Advocate.

For State : Mr. Lav Sharma, PL.

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

31/10/2018

1. This is first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested on 18.12.2017 in connection with Crime No. 41/2017 registered at Police Station- Salhewara, District- Rajnandgaon (C.G.), for the offence punishable under Section 394/34 of IPC.
2. Case of prosecution is that on 07.07.2017 at about 6.30 p.m. when complainant had gone to sell golden and silver ornaments, two persons came in motorcycle and having seen the motorcycle of complainant, pushed the motorcycle by leg, on account of which the complainant and other person fell down. Thereafter, the present applicant along with co-accused assaulted upon head of the complainant and took away the box containing golden and silver ornament.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated and he is in custody since 18.12.2017 and trial will take sufficient time to conclude therefore, the applicant may be enlarged on bail.
4. On the contrary, learned State counsel opposes the application for grant of bail.
5. In the present case, name of complainant is Peelaram Soni. The applicant is charge-sheeted on the basis of seizure of one silver anklet, but as per charge-sheet, no identification of the said article was conducted. Without further commenting on merits of the case, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of Rs. 20,000/- with one local surety in the like amount to the satisfaction of the concerned trial Court. He shall appear before the trial court regularly on each and every date, unless exempted from appearance.
7. Certified copy as per rules.

Sd/-
(Ram Prasanna Sharma)
Judge