

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8789 of 2018

- Dhal Singh S/o Jeevan Vishwakarma Aged About 20 Years R/o Village Mudiya Mohara, Tahsil Dongargarh, District Rajnandgaon Chhattisgarh, District : Rajnandgaon, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Salhewara Civil And Revenue District Rajnandgaon Chhattisgarh, District : Rajnandgaon, Chhattisgarh

---- Respondent

 For Applicant : Shri Gagan Tiwari, Advocate
 For Respondent/State : Shri Lav Sharma, Panel Lawyer

Hon'ble Shri Justice Ram Prasanna Sharma
Order On Board

14.12.2018

1. Heard the matter finally.
2. 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 17.02.2017 in connection with Crime N. 41/2017, registered at Police Station- Salhewara, District Rajnandgaon (CG) for the offence punishable under Section 394/34 of the IPC.
3. Case of the prosecution is that on 07.7.2017 at about 6.30 pm, 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 the box containing golden and silver ornament.

4. Learned counsel for the applicant submits that the applicant has been falsely implicated and he is in custody since 17.2.2017 and trial will take sufficient time to conclude, therefore, the applicant may be enlarged on bail

5. On the other hand, learned counsel for the State opposes the bail application.

6. Perused the entire material available on record.

7. In the present case, name of the complainant is Peelaram Soni. The applicant is charge-sheeted on the basis that he participated in the crime with the co-accused. Without further commenting anything on merits, I am inclined to release the applicant on bail.

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

9. 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 like sum 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.

10. Certified copy as per rules.

Sd/

(Ram Prasanna Sharma)
JUDGE