

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 244 of 2019**

- Ramavtar @ Thurru, S/o Nandlal, Caste – Patel, aged about 18 years, R/o Village- Tamar, Tehsil – Sakti, District- Janjgir- Champa, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through : Station House Officer, Police Station – Sakti, District- Janjgir-Champa, (C.G.).

---- Respondent

For Applicant	: Shri Kamlesh Kr. Pandey, Advocate.
For Respondent/State	: Shri Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**05/02/2019**

1. The Applicant has preferred this second bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 485/2018, registered at Police Station – Sakti, District- Janjgir-Champa, (C.G.) for the offence punishable under Sections 394, 506, 341, 34 of the Indian Penal Code.
2. First bail application has been dismissed for want of prosecution vide order dated 14.12.2018 passed in MCRC No. 9519/2018.
3. As per the prosecution story, on 23.08.2018 at about 7:30 pm, when the Complainant Thanuram was returning towards his village in the motorcycle, allegedly near Borai Bridge, the present Applicant and other co-accused persons namely Mukesh, Omprakash & Ramsingh stopped him and demanded gift/money in the name of Ganesh worship, which was objected by the Complainant. Thereafter, the present Applicant and other co-accused persons assaulted the Complainant with hand, fist and knife and snatched Rs. 3,000/- from

him. Report has been lodged by the Complainant on the basis of which offence has been registered against the present Applicant. The Applicant has been taken into custody on 25.08.2018.

4. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. He further submits that the Applicant has no criminal antecedent, he is in custody since 25.08.2018 and trial will take some time. He also states that co-accused persons namely Mukesh and Omprakash have already been granted bail by the co-ordinate Bench of the Court vide order dated 31.10.2018 passed in MCRC No. 8065/2018. Therefore, he may also be released on bail.
5. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
6. I have heard learned Counsel for the parties and perused the case diary.
7. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the Applicant has no criminal antecedent, he is in custody since 25.08.2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
8. Accordingly, the bail application is allowed.
9. It is directed that the Applicant shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one solvent surety for the like amount to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge