

HIGH COURT OF CHHATTISGARH, BILASPUR

MISC. CRIMINAL CASE NO. 18 OF 2019

Alok Kumar Swarnkar S/o Ram Gopal Swarnkar, aged about 24 years, R/o village Lailunga, Occupation-General Stores, PS Lailunga, Distt. Raigarh (CG).

... Applicant

Versus

State of Chhattisgarh, through Station House Officer, Police Station Sarangarh, Distt. Raigarh (CG).

... Respondent

For Applicant	:	Shri Awadh Tripathi, Advocate.
For Respondent-State	:	Shri Arvind Dubey, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

01/02/2019

1. This is the first bail application seeking for grant of bail to the Applicant who is in jail since 10.06.2018 in connection with Crime No.354 of 2018 registered at Police Station Sarangarh, Distt. Raigarh for the offence punishable under Sections 394,458 and 511 of IPC.
2. The case of the prosecution against the applicant is that, the applicant along with other co-accused persons is said to have gone to the house of the complainant on 10.06.2018 and there it is said that the present applicant and other co-accused persons have threatened the complainant of his life and have also assaulted him and further demanded cash and jewelery that was kept in the house. Later on, on raising alarm by the other family members the applicant could be caught hold and handed over to the police.
3. The counsel for the applicant submits that it is a case where the present applicant infact is a distant relative of the complainant and

as such he could not have been gone to the house of the complainant with an intention of committing loot and dacoity etc. It is further contention of the applicant that the applicant has already remained in custody for a period of more than 7 months and considering the period of custody the applicant may be released on bail.

4. The State counsel, on the other hand, opposing the bail application submits that it is a case where the allegation against the applicant is quite serious and therefore he should not be granted bail at this juncture. Moreover, the State counsel opposes the bail application on the ground that one of the co-accused is still absconding. Thus, prayed for bail application to be rejected.
5. Without commenting on merits, considering the totality of the facts and circumstances of the case, particularly taking into consideration the period of custody undergone, considering the age of the applicant as also the fact that he was infact related to the complainant, this Court is of the opinion that the present is a fit case where the Applicant can be enlarged on bail.
6. Accordingly, the application for grant of bail is allowed. It is directed that the Applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.20,000/- with one surety of the like sum to the satisfaction of the concerned Trial Court for his appearance as and when directed.

Sd/-

(P. Sam Koshy)
Judge