

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 147 of 2019**

- Aakash Kumar Baghel, S/o Late Suraj Prasad Baghel, aged about 26 years, R/o near Bus Stand Belgahna, Tahsil Kota, District- Bilaspur, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through- Station House Officer, Police Station – Kota, District – Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Amit Singh, Advocate.
For Respondent/State	:	Ms. Smriti Shrivastava, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**08/02/2019**

1. The Applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 308/2018, registered at Police Station - Kota, District – Bilaspur, Chhattisgarh, for the offence punishable under Sections 392/34 of the Indian Penal code.
2. As per the prosecution story, on 16.10.2017, Complainant Ganesh lodged a report wherein it has been alleged that when he was going towards his village Kota, on the way at about 7:30 pm near Semariya, two unknown persons came there on motorcycle and threw chilly powder in the eyes of the Complainant and looted amount of Rs. 1,60,000/-, and one laptop from him. On the basis of the said, offence has been registered against the unknown persons. During course of investigation, on the basis of the memorandum statement of co-accused Brijesh, present Applicant is implicated in the case. Allegations against the present Applicant is that he informed the co-accused persons regarding the Complainant. The Applicant has been

taken into custody on 09.12.2018.

3. 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, on the basis of memorandum statement of the co-accused namely Brijesh, there is no any evidence against the present Applicant. He further submits that the Applicant is in custody since 09.12.2018 and trial is likely to take some time. Therefore, he may also be released on bail.
4. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the Applicant is in custody since 09.12.2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
7. Accordingly, the bail application is allowed.
8. 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 concerned Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge