

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 847 of 2019**

- Hemant Kumar Agrawal S/o Jivanlal Agrawal Aged About 35 Years By Caste- Agrawal, Present Address R/o Club Para, Mahasamund, Permanent Address- Village Anwaradabri, Police Station- Khallari, District- Mahasamund, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Komakhan, District- Mahasamund, Chhattisgarh

---- Respondent

For Applicant : Shri Vikash Pradhan, Advocate

For Respondent/State : Shri Ghanshyam Patel, G A

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****15/03/2019**

1. This is the Second Bail Application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 30.03.2018 in connection with Crime No.39/2018 registered at Police Station Komakhan, District Mahasamund (CG) for the offence punishable under Section 394/34 IPC.
2. The First Bail application bearing M.Cr.C. No.3122/2018 was dismissed on 26.06.2018.
3. As per the prosecution case, on 24.03.2018 FIR was lodged by Hemlal Sahu that the applicant assaulted him and looted bike. Thereafter on the memorandum of the applicant bike was recovered along with that bike other six

bikes of the like nature which were looted were also recovered.

4. Learned counsel for the applicant submits that now the complainant has been examined and he has not supported the case of the prosecution and has turned hostile. He would further submit that one of the co-accused namely Shravan Kumar Dhru has already been enlarged on bail by the co-ordinate Bench vide M.Cr.C. No.5824 of 2018 on 05.09.2018, therefore, the applicant may be released on bail.
5. Learned State counsel do not dispute to the fact that the co-accused has been enlarged on bail by the co-ordinate Bench.
6. Considering the facts of this case and also taking into that the applicant is in jail since 30.03.2018 and the co-accused has been enlarged on bail by the co-ordinate Bench in M.Cr.C. No.5824 of 2018, without any observation on merits, I am inclined to release the applicant on bail.
7. Accordingly, the application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

Sd/-

Goutam Bhaduri
Judge

Ashu