

HIGH COURT OF CHHATTISGARH, BILASPUR

MISC. CRIMINAL CASE NO. 826 OF 2019

Suklamber Sarthi S/o Shri Tilakram Aged About 28 Years By Caste Ghasiya, R/o Village Pelma, Thana Kapu, Civil, Revenue District Raigarh, Chhattisgarh.

... Applicant

Versus

The State of Chhattisgarh Through The Station House Officer, Police Station Patthalgaon, Civil and Revenue District Jashpur, Chhattisgarh.

... Respondent

For Applicant	:	Shri Sanjay Pathak, Advocate.
For Respondent-State	:	Shri Rahul Mishra, Dy. Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

04/02/2019

1. This is repeat bail application seeking for grant of bail to the Applicant who is in jail since 15.07.2018 in connection with Crime No.165 of 2018 registered at Police Station Patthalgaon, Distt. Jashpur for the offence punishable under Sections 394,395,201 and 120-B IPC. The earlier bail application was withdrawn with liberty to revive after sometime vide order dated 16.11.2018 passed by this court.
2. The counsel for the applicant submits that charge sheet has since been filed and the co-accused in the present case namely Sonu Yadav @ Trinath has already been released on bail by the co-ordinate Bench of this court on 03.12.2018 vide MCRC No.7907 of 2018. He further submits that two other co-accused persons have already been enlarged on bail by the Sessions court vide order

dated 20.12.2018 and thus, the present applicant may also be released on bail.

3. The counsel for the applicant further submits that except for the memorandum statement of the co-accused person, there is no other evidence which the prosecution has so far as implicating the applicant in the alleged offence is concerned.
4. The State counsel also on perusal of the records submits that except for the memorandum statement of the co-accused person, there does not seem to be any material available against the applicant. He further submits that from the possession of the applicant two currency notes of Rs.500/- each were recovered.
5. On a query put to the counsel for the State, he submits that there does not appear to be any identification made by the complainant so far as the present applicant having committed the offence. He also admits that except for the memorandum statement of the co-accused and also the memorandum statement of the present applicant, there is no other material to directly implicate the applicant in the said offence. The State counsel however submits that the applicant however has been involved in another case crime No.70 of 2018 for the offence punishable under Section 395 IPC registered at Police Station Kapu, District Raigarh.
6. Given the aforesaid factual matrix of the case as has been stated by the counsel appearing on either side and taking into consideration the nature of evidence collected by the prosecution and also considering the submissions made by the State counsel, this court is of the opinion that a strong case is made out for grant of bail.

7. 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