

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No.892 of 2019**

Mahendra Singh Thakur @ Banti, son of Dara Singh Thakur, aged about 25 years, R/o Ashok Nagar, Police Station Gudiyari, Raipur (CG). ---- **Applicant**

Versus

State of Chhattisgarh, through Station House Officer, Police Station Mujgahan, Raipur, Civil and Revenue District Raipur (CG). ---- **Non-applicant**

For Applicant : Mr. Pushpendra Kumar Patel, Advocate.
For Non-applicant : Mr. S.R.J. Jaiswal, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

19.02.2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and his no bail application is pending before any other Court.
2. The applicant has been arrested in connection with Crime No.73/2018 registered in Police Station Mujgahan Raipur, Civil and Revenue District Raipur for the offence punishable under Sections 394, 34 of Indian Penal Code and Sections 25, 27 of Arms Act.
3. Prosecution story in brief is that on 28.05.2018 at about 10:30 p.m. at divider of IIM College, Raipur, complainant Kamal Patela was operating mobile then two unknown persons reached near him by bike, who had concealed their faces by scarfs, one unknown person overpowered him and another person snatched his mobile and caused injury to him by knife.
4. Counsel for the applicant submitted that the applicant is innocent and has been falsely implicated in the present case hence he may be released on bail.
5. Counsel for the State opposed the bail application. He further submitted that one case under Section 394 of IPC has already been registered against the applicant in police case diary.
6. As per MLC report, multiple incised wound was found over left pectoral area with right thigh.
7. On the memorandum of applicant, one mobile of Samsung company was seized from him.
8. Looking to these facts and circumstances of the case, looking to the amount of consideration, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence; and the trial is likely to take some more time for its final disposal, this Court is inclined to give benefits of Section 439 of the CrPC to the applicant. Accordingly, the bail application is allowed.
9. It is directed that if the applicant furnishes two solvent sureties for a sum of Rs.25,000/- along with a personal bond in the like sum of Rs.50,000/- to the satisfaction of the concerned Trial Court with the condition that he shall appear before the Trial Court at 11:00 am as and when directed till trial and he would co-operate during the trial, he shall be released on bail.
10. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE

L/-