

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 1160 of 2019

- Bhupendra Sharma S/o Late Shri Ramesh Sharma Aged About 35 Years R/o Nayapara Ward No. 5, Mahasamund, Thana Tahsil And Revenue District Mahasamund Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer Mahasamund, District Mahasamund Chhattisgarh

---- Respondent

For Applicant	: Shri Sunil Sahu, Advocate.
For Respondent/State	: Smt. Smriti Shrivastava, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

07/03/2019

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. 550/2018, registered at Police Station Mahasamund, District Mahasamund (C.G.) for the offence punishable under Section 395, 364-A, 384, 294, 506 of the IPC.
2. As per the prosecution story, it has been alleged that on 19.10.2018 at around 8 PM complainant Mithlesh Kumar Das was in the Uttam Petrol Pump, some persons visited their on TVS Jupiter vehicle and thereby snatched out the key of Indica car bearing registration no. CG 11 BC 0825 from the complainant and after some time they returned to the complainant along with three other persons carrying pistol thereby threatened him, looted Rs. 10,400 and mobile set and also demanded Rs. 30,000/-. On the basis of said, offence has been registered. The applicant is in custody since 21.10.2018.
3. Learned counsel appearing on behalf of the Applicant submits that the

applicant is innocent and has been falsely implicated in the present case, there is nothing on record on the basis of which it is established that the applicant was present at the spot, no test identification parade has been conducted by the prosecution. He further submits that on the same facts, other co-accused person namely Raju Giri has already granted benefit of bail by this Court vide order dated 06.02.2019, passed in MCRC No. 430/2019. The applicant is in custody since 21.10.2018, charge-sheet has already been filed and trial is likely to take some time, therefore, the applicant may be released on bail.

4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for both the parties.
6. Considering the fact and circumstances of the case, evidence collected by the prosecution and further considering the fact that the other co-accused has already granted benefit of bail by this Court, the applicant is in custody since 21.10.2018, charge-sheet has already been filed and trial will likely to take some time, without further commenting on merits of the case, I am inclined to release the applicant 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 Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)

Judge