

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No.2720 of 2019**

Rakesh Sahu, son of Santosh Kumar Sahu, aged about 19 years, R/o Raman Mandir Ward No.21, Akhari Dabrapara, Infront of Shitla Temple, Chuna Bhatti, Raipur, District Raipur (CG). **---- Applicant**

Versus

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

For Applicant : Mr. Anand Prakash Sharma, Advocate.
For Non-applicant : Ms. Sangeeta Mishra, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

07.05.2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no bail application is pending before any other Court.
2. Perused the case diary provided by the counsel for the State in connection with Crime No.92/2019 registered at Police Station Ganj Raipur, Civil and Revenue District Raipur for the offence punishable under Sections 394/34 of Indian Penal Code.
3. Prosecution story in brief is that on 07.03.2019 at about 16:00 hrs in front of Hospital of Rohit Mishra, Fafadih, Raipur, four unknown persons restrained the complainant Om Prakash Rajput, they beat him and robbed Rs.3,000/- and one mobile of M.I. Company bearing SIM No.7237845914. During the test identification parade, the said complainant identified the applicant. On the memorandum of applicant, Rs.600/- were seized from him.
4. Counsel for the applicant submitted that the applicant is an 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. However, she submitted that no criminal antecedent is reported against the applicant in police case diary.
6. Looking to these facts and circumstances of the case, 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.
7. 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 and he shall not commit any such type of offence in future.
8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-