

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4166 of 2019**

1. Sanjog Nirala S/o Late Bartsati Nirala Aged About 28 Years R/o Modahapara, Raigarh, Tahsil and District Raigarh, Chhattisgarh.
2. Deepak Distlle S/o Ram Singh Aged About 21 Years R/o Jelpara, Raigarh, Tahsil and District Raigarh, Chhattisgarh.

---- Applicants**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Kotwali, District Raigarh, Chhattisgarh.

---- Respondent

For Applicant : Shri Ashish Gupta, Advocate.
For Respondent/State : Shri Shubham Verma, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**03/09/2019**

1. The Applicants have preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as they are arrested in connection with crime No. 358/2019, registered at Police Station – Kotwali, District - Raigarh, (C.G.) for the offence punishable under Section 394/34 of Indian Penal Code.
2. As per the prosecution story, one Khushi Ram Nayak lodged a report on 08.05.2019 alleging therein that, around 4:00 pm when he was returning from a liquor shop, allegedly, both the present Applicants came to him and looted cash amount of Rs. 50,000/- and one A.T.M. card from him. It is further alleged that both the Applicants also assaulted him. On the basis of the said report, offence has been registered. During course of investigation, on the basis of memorandum statement of both the Applicants, Rs. 23,000/- has been seized from each of the Applicants. Police has also seized one A.T.M card of the Complainant from the possession of Applicant Sanjog

Nirala. Both the Applicants have been arrested on 09.05.2019.

3. Learned Counsel appearing on behalf of the Applicants submits that the Applicants are innocent and have been falsely implicated in the case. He further submits that seizure witnesses have already been examined before the trial Court and they have not supported the case of the prosecution and turned hostile. Applicants are in custody since 09.05.2019 and trial is likely to take some time. Therefore, they may be released on bail.
4. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that Applicants are in custody since 09.05.2019 and trial is likely to take some time, without further commenting on other merits of the case, I am inclined to release them on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicants shall be released on bail on each of them executing a personal bond for a sum of Rs. 20,000/- with one solvent surety for the like amount to the satisfaction of the concerned Trial Court for their appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge