

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4082 of 2019**

- Rupesh Jagat @ Indar S/o Hemsagar Jagat Aged About 19 Years R/o Vinoba Bhave Nagar, Shantinagar, P.S. Civil Line, Raipur District Raipur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Civil Line, Civil And Revenue District Raipur Chhattisgarh

---- Non Applicant

For the Applicant	:	Ms. Sunita Sahu, Advocate
For Non Applicant	:	Shri Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****30.07.2019**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with Crime No.238/2019 registered at Police Station- Civil Line, District- Raipur (C.G.) for the offence punishable under Sections 379, 356, 394, 34 of Indian Penal Code.
3. Case of the prosecution, in brief is that on 07/04/2019 in the early morning complainant Pankaj Kumar was going to bread factory Shastri Nagar Chowk. At about 5:40 a.m., near the Surya Namaskar Chowk two persons who covered their faces by clothes reached there by scooty. The driver of the scooty took out the mobile from the pocket

of his shirt. When he caught hold his hand he caused injury on his body by knife. Another person who was pillion rider of the scooty took out his purse containing cash and some other documents. On the memorandum of applicant Rupesh Jagat one mobile of Nokia company was seized from him.

4. Learned counsel for the applicant submits that applicant has no criminal background, he is innocent and has been falsely implicated in the present case, therefore, he may be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no criminal antecedent against the applicant in police case diary.
6. In the case, in hand, there is no test identification parade of applicant. There is no material available on record indicating that alleged seized mobile belongs to said complainant.
7. Looking to the above mentioned facts and circumstances of the case, looking to the material available on record against the applicant, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, it is directed that if applicant furnishes one solvent surety for a sum of Rs.25,000/- along with a personal bond of Rs.25,000/- to the satisfaction of the concerned Court with the condition that he will appear before the trial Court at 11:00 am as and when directed till trial and he would cooperate during the trial, he be released on bail.
8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
Judge