

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 4377 of 2019

1. Rupesh Yadav S/o Tularam Yadav Aged About 19 Years R/o Hot Kachora Jagdalpur, District Bastar Chhattisgarh
2. Pradeep Kumar Nag @ B.D. S/o Mohan Nag Aged About 19 Years R/o Santoshi Ward P.S. Bodhghat Jagdalpur, District Bastar Chhattisgarh
3. Aman Kumar S/o Shant Kumar Aged About 19 Years R/o Santoshi Ward P.S. Bodhghat Jagdalpur, District Bastar Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through The Police Station Kotwali, District Bastar Chhattisgarh

---- Non-applicant

For Applicants	: Mr. Pravin Kumar Tulsyan, Advocate.
For Non-applicant/State	: Mr. Vimlesh Bajpayee, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

07-08-2019

Heard.

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicants for grant of regular bail. The applicants have been arrested on 28.01.2019 in connection with Crime No. 49/2019, registered at Police Station—Kotwali, District- Bastar, C.G. for offence punishable under Sections 394, 395 of Indian Penal Code.
2. It is submitted by learned counsel for the applicants that no case is made out against these applicants. Complainant- Babla Vishwash is the only eye witness of this case, who has not at all supported the prosecution case. There is nothing left in this prosecution case. Hence, it is prayed that these applicants be granted bail.

3. Learned counsel for the State/non-applicant opposes the application.
4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, on the date of incident, these applicants and two others have beaten the complainant- Babla Vishwash and looted from his possession one motor cycle, one mobile phone, his Aadhaar Card and cash of Rs.3000/- regarding which an F.I.R. has been lodged.
6. On perusal of the certified copy of the deposition of complainant- Babla Vishwash, it is found that he has not identified the persons concerned and he has also denied the incident that has happened because of which he has been declared hostile by the prosecution. Hence, looking to this development, I feel inclined to allow this application.
7. Consequently, this application filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.
8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Monika