

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4659 of 2019

Kartik Kaushik S/o Dadu Ram Aged About 25 Years R/o Village Kosmanda,
Police Station And Tahsil Champa, District Janjgir- Champa Chhattisgarh.,
District : Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Urga, District Korba
Chhattisgarh., District : Korba, Chhattisgarh

---- Respondent

MCRC No. 4759 of 2019

Devnarayan Yadav S/o Dhanaram Yadav Aged About 24 Years R/o
Kosmanda, P.S. And Tahsil Champa, District- Janjgir-Champa,
Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station
Urga, District- Korba, Chhattisgarh., District : Korba, Chhattisgarh

---- Respondent

For Applicant in MCRC No.4659/19	: Mr. H.P. Agrawal, Advocate.
For Applicant in MCRC No.4759/19	: Mr. Govind Ram Miri, Advocate
For Non-applicant/State	: Mr. Jitendra Shukla. PL

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

30-09-2019

Heard.

1. As both these applications (MCRC No.4659/19 and MCRC No.4759/19) arises out of the same crime number, i.e., Crime No.96/2019 registered at P.S. Urga, District - Korba, Chhattisgarh, filed by the applicants, which have been arrested for the offence punishable under Section 394/34 of the IPC and they are being decided by this common order.

2. It is submitted by learned counsel for the applicants that the applicants have been falsely implicated in the present case and they not did any offence. They are in jail since 26.05.2019. According to FIR itself, the culprits have covered their faces with the clothes, therefore, it was not possible to identify them. However, the test identification parade that has been conducted showing identification by the complainant is totally doubtful. The complainant has been examined before the trial Court and his statement is not reliable. Therefore, prayed that their applications be allowed.
3. Learned counsel for the State/non-applicant opposes the application and submits that there are other witnesses which are yet to be examined, therefore, prayed that applications be rejected.
4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, the complainant Vindhyanchal Rai has lodged the FIR that on the date of incident, three masked person stopped his motorcycle and looted cash of Rs.23,000/-, one mobile phone and fountain pen. FIR has been lodged in this respect and police has investigated the case.
6. Considering the submission of learned counsel of the applicants, the material available on record and further that the applicants have no criminal antecedent that has been so far produced in the trial, therefore, I feel inclined to allow these applications.
7. Consequently, these applications filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail are 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/- to each

with one surety 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

yasmin