

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5311 of 2019

- Mohd. Altaf S/o Mohd. Mehtab, Aged About 20 Years, R/o Santoshi Nagar, Raipur, Temporary Address - Guru Ghasi Das Ward No. 28, Kumharpara, District - Jagdalpur, Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, through the Police Station - Kotwali, District - Jagdalpur, Chhattisgarh, District : Bastar(Jagdalpur), Chhattisgarh

----Non-applicant

For Applicant – Shri Ashutosh Shukla, Advocate.

For Non-applicant/State – Shri Ghanshyam Patel, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

25-09-2019

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 applicant for grant of regular bail. The applicant has been arrested on 28-01-2019 in connection with Crime No.49/2019 registered at P.S. - Kotwali, District Jagdalpur, Chhattisgarh for the offence under Section 394 and 395 of the IPC.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 28-01-2019. The applicant has not committed any offence. In the trial against this applicant and the co-accused persons the complainant has been examined who has not supported the prosecution case. The co-accused persons have been granted bail by this Court. Therefore, it is prayed that this applicant may also 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 this applicant and three others assaulted complainant Babla Vishwash and then looted from

his possession one motorcycle, cash Rs.3000/-, mobile and Adhar Card. After lodging of the FIR this applicant and other co-accused persons were arrested and recovery of stolen articles were made.

6. On perusal of the certified copy of the deposition of the complainant and other witnesses, it is found that the complainant has not supported the prosecution case and he has also not identified this applicant. Therefore, looking to this development, I feel inclined to allow this application.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge