

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 4761 of 2019

- Rupendra Kumar S/o Radheshyam Chouhan Aged About 30 Years R/o Village Telibandha, Tahsil Baghbahera, District Mahasamund Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Mahasamund Chhattisgarh.

---- Respondent

For Applicant : Mr. Mayank Chandrakar, Advocate.
For Respondent/State : Ms. Smriti Shrivastava, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

21/08/2019

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime no. 66/2019, registered at Police Station Mahasamund, District Mahasamund (C.G.) for the offence punishable under Section 394 of the IPC.
2. In this case there are total two accused persons. As per prosecution story, on 05.02.2019, complainant Smt. Gautam Bai lodged an FIR in concerned police station alleging therein that when she was returning along with her relative, in between village Sorid and Bansivni, the applicant along with other co-accused person came there and looted Rs. 50,000/- cash and one mobile of Jio Company from her and fled away from the spot. On the basis of said report, offence has been registered. During course of investigation, on the basis of memorandum statement

of present applicant, Rs.21,000/- and four motorcycles seized from his possession and he has been arrested. During TIP also the complainant has identified the applicant as assailant. The applicant is in custody since 16.02.2019.

3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that TIP conducted by the police officials is not reliable, the applicant is in custody since 16.02.2019, charge-sheet has been filed and trial is likely to take some time. Therefore, the applicant may be released on bail.
4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for both the parties.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the applicant is in custody since 16.02.2019, charge-sheet has been filed and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release the applicant on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 25,000/- with one local solvent surety for the like sum to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.

Sd/-

(Arvind Singh Chandel)

Judge