

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5190 of 2019

1. Ashok Kumar, S/o Suklal Satnami, Aged About 24 Years, R/o Village - Tilaibhath, Police Station - Bodla, District - Kabirdham, Chhattisgarh.
2. Santhosh, S/o Suklal Satnami, Aged About 32 Years R/o Village Tilaibhath, Police Station - Bodla, District - Kabirdham, Chhattisgarh.
3. Jay Sen, S/o Adhiyan Singh Khande, Aged About 24 Years R/o Village - Amlikap, Police Station - Takhatpur, District- Bilaspur, Chhattisgarh.
4. Amit Tandon, S/o Jatiram Tandon, Aged About 30 Years R/o Village - Sonpur, Police Station - Lalpur, District - Mungeli, Chhattisgarh.

---- Applicants

Versus

1. State Of Chhattisgarh Through Station House Officer, Out Post - Pondi, Police Station - Bodla, District - Kabirdham, Chhattisgarh.

---- Respondent

For Applicant : Mr. Dharmesh Srivastava, Advocate.

For Respondent : Mr. Priyanshu Gupta, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

01/10/2019

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.123/2019 registered at Police Station–Bodla, District– Kabirdham(C.G.) for the offence punishable under Sections 398, 34 of the Indian Penal Code.

2. Learned counsel for the applicants submits that applicants are innocent and have been falsely implicated in this case. They are in jail since 11.7.2019. These applicants have not committed any offence. No TIP (Test Identification Parade) has been conducted in the investigation to ensure, that these applicants were the persons, who tried to rob the complainant, hence, it is prayed that they may be enlarged on regular bail.
3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that seizure of articles have been made from the possession of these applicants, which shows that they were having preparation for commission of robbery or dacoity, therefore, they are not entitled for grant of regular bail.
4. Heard both the parties and perused the case diary.
5. FIR has been lodged by complainant Kartik Koshle, that he along with Kamlesh Lahre was on his way taking with him the collection of amount made from the liquor shop. In between near Pandariya, four persons, who were on one motorcycle and one scooty having their faces covered with cloths tried to stop and rob the complainant of his possession, but as they could not succeed and they fled from the spot. During investigation, these applicants have been apprehended and interrogated and seizure of club, chili powder etc. made from their possession. Hence, this case.
6. As there is no TIP has been conducted in this case and these applicants do not have any criminal antecedents, therefore, I feel inclined to allow the application of these applicants.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicants shall be released on bail on

their furnishing a personal bond for a sum of Rs.25,000/-each with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha