

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5397 of 2019

- Dauwa Yadav, S/o Motilal Yadav, Aged About 19 Years, R/o Chantidih, Bilaspur, Police-Station-Sarkanda, Tehsil & District Bilaspur Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Sarkanda, Police Station-Sarkanda, District-Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	:	Ms. Upasana Mehta, Advocate.
For Respondent	:	Mr. Jitendra Shukla, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

03/10/2019

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 applicant who has been arrested in connection with Crime No.637/2019 registered at Police Station–Sarkanda, Bilaspur, District– Bilaspur(C.G.) for the offence punishable under Section 394 of the Indian Penal Code.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. He is in jail since 17.07.2019. The applicant has not committed any offence. The FIR is delayed by two days, hence, it is prayed that he may be enlarged on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that this applicant has been identified in the TIP(Test Identification Parade) and also one recovery stolen article has been made from him, hence, he is not entitled for grant of regular bail.
4. Heard both the parties and perused the case diary.
5. FIR has been lodged on 11.7.2019, at about 05:30 p.m.. Complainant Mohan Vaishnav was looted by four persons. Cash of Rs.9,000/-, one mobile phone and laptop was looted from his possession. During investigation, this applicant was apprehended and from his possession one laptop has been seized and, further, applicant identified in the TIP. Hence, this case.
6. Considering that this applicant does not have any criminal history, he is a young boy of only 19 years of age and charge-sheet has been filed, therefore, I feel inclined to allow the application of this applicant.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge