

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5641 of 2019**

Atal Swarop Tandi S/o Shri Surendra Tandi Aged About 24 Years R/o
 Vinobhabhave Nagar, Shanti Nagar, P.S. Civil Lines District- Raipur,
 Chhattisgarh., District : Raipur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through P.S. Civil Lines Raipur, District- Raipur,
 Chhattisgarh., District : Raipur, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Akash Kumar Kundu, Advocate
For the State	:	Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****12/09/2019**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with the Crime No.238/2019 registered at Police Station Civil Lines, Raipur, District Raipur (C.G.) for the offence punishable under Section 379, 356, 394, 34 of IPC.
3. Case of the prosecution, in brief is that on 07/04/2019 in the early morning complainant Pankaj Kumar was going to bread factory Shastri Nagar Chowk. At about 5:40 a.m., near the Surya Namaskar Chowk two persons who covered their faces by clothes reached there by scooty. The driver of the scooty took out the mobile from the pocket of his shirt. When he caught hold his hand he caused injury on his body by knife. Another person who was pillion rider of the scooty took out his purse containing cash and some other documents. On the memorandum of applicant one scooty and Rs.1500/- seized from him.
4. Counsel for the applicant submitted that he has no criminal background, he is innocent and has been falsely implicated in the present case, thus he may be released on bail.
5. On the other hand, counsel for the State opposes the bail application.

He further submits that no criminal antecedents against the applicant is reported in the police case diary.

6. In the case in hand, there is no test identification parade of applicant. There is no material available on record indicating that alleged seized Rs.1500/- belongs to said complainant.
7. Earlier this Court has released the co-accused Rupesh Jagat @ Indar on bail. The case of applicant is not more severe than the co-accused Rupesh Jagat @ Indar. Thus bail application of applicant is allowed. It is directed that if the applicant furnishes one solvent surety for a sum of Rs. 25,000/- along with a personal bond of Rs.25,000/- to the satisfaction of the concerned Court with the condition that he will appear before the trial Court at 11.00 a.m. as and when directed till trial and he would cooperate during the trial, he be released on bail.
8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde