

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 9367 of 2018**

C. Bhaskar, son of C. Gond, aged about 36 years, R/o Quarter No.7/B, Sadak-17, Sector-4, Bhilai, Tahsil and District Durg (CG). **---- Applicant**

Versus

State of Chhattisgarh, through Station House Officer, Police Station Nandani, District Durg (CG). **---- Non-applicant**

For Applicant	: Ms. Priya Sharma, Advocate.
For Non-applicant	: Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

10.01.2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the counsel for the State in connection with crime No.178/2018 registered at Police Station Nandani, District Durg for the offence punishable under Sections 452, 365, 323, 427, 34 of Indian Penal Code.
3. Case of the prosecution, in brief is that on 24.06.2018 at about 10:45 p.m. at 100 Unit Township Nandini Nagar, the applicant C.Bhaskar and two other unknown co-accused have entered in the house of complainant Chhatram and took away him after beating. Co-accused Gaurav Pandey @ Suraj Pandey snatched the SIM from the mobile of said complainant. During the test identification parade, the said complainant identified accused C.Bhaskar and co-accused Swaraj Singh.
4. Counsel for the applicant submits that the applicant has not committed any offence. He is innocent and has been falsely implicated in the present case, therefore, he may be released on bail.
5. On the other hand, counsel for the State opposes the prayer for grant of bail to the applicant. He further submits that no criminal antecedent is reported against the applicant in police case diary.
6. As per true copy of the application of no objection, which is the part of bail application of the applicant, the said complainant has no objection to

release the applicant on bail in the proceeding at 6th Additional Sessions Judge, Durg.

7. Co-accused Gaurav Pandey @ Suraj Pandey has released on bail by this Court by order dated 03.01.2019 passed in M.Cr.C. No.8678 of 2018. The case of the applicant is not severe more than as the case of the applicant.

8. Looking to these facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence; and the trial is likely to take some more time for its final disposal, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the applicant. Accordingly, the bail application is allowed.

9. It is directed that if the applicant furnishes one solvent surety for a sum of Rs.25,000/- along with a personal bond in the like sum to the satisfaction of the concerned Trial Court with the condition that he shall appear before the Trial Court at 11:00 am as and when directed till trial and he would co-operate during the trial, he shall be released on bail.

10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)

JUDGE

L/-