

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 9413 of 2018

- Vikash Raj S/o Rajkumar Gupta Aged About 27 Years R/o Hirni, Police Station- Suhela, District- Balodabazar- Bhatapara, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station- Suhela, District- Balodabazar- Bhatapara, Chhattisgarh.

---- Respondent

For Applicant	: Ms. Supriya Upasane, Advocate.
For Respondent/State	: Mr. Alok Nigam, Government Advocate.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

10/01/2019

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. 259/2018, registered at Police Station – Suhela, District- Baloda Bazar (C.G.) for the offence punishable under Section 394, 341, 34 of the IPC.
2. As per prosecution story, on 01.11.2018, a report was made by complainant Lakhan Kumar, wherein it has been alleged that on the date of incident he along with his friend namely Santram went to liquor shop and when they were returning from the said shop at that time two unknown persons stopped them, threatened them and snatched their mobile phones and cash of Rs. 92,500/-. They came to know the name of the unknown persons through some villagers. On the basis of said report, offence has been registered. The applicant is in custody since 03.11.2018.
3. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. She further submits that the complainant did not know the applicant

beforehand, he came to know the name of the applicant through villagers whereas the villagers who told the name of present applicant, were not present on the spot at the time of incident. She further submits that no test identification parade has been made. The Applicant is in custody since 03.11.2018 and trial will take some time. Therefore, he may be released on bail.

4. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary with due care.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the complainant did not know the applicant beforehand, he came to know the name of the applicant through villagers, no test identification parade of the applicant has been made, the Applicant is in custody since 03.11.2018 and trial will 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. 20,000/- with one solvent surety for the like amount to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge