

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 10001 of 2018

1. Shankar Baghel And Anr. S/o Kanhaiya Urf Kanhaiya Baghel Aged About 22 Years R/o Bajrang Chowk, Near Durga Mandir, Police Station Newra, District Raipur, Chhattisgarh.
2. Raju Pawar S/o Dharampal Pawar Aged About 27 Years Presently R/o Ward No. 20, Tilda Police Station Newra, District Raipur, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Tilda Newra, Raipur, District Raipur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Uttam Pandey, Advocate.
For Respondent/State	: Mr. Sumit Singh, PL.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

05/03/2019

1. The applicants have preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as they are arrested in connection with crime No. 317/2018, registered at Police Station – Newra, District- Raipur (C.G.) for the offence punishable under Section 294, 394, 327 & 427 of the IPC and Section 25 of the Arms Act.
2. As per prosecution story, on 09.09.2018, complainant Shashi @ Vivekanand Prasad Sahu lodged a report in police station to the effect that at on the date of incident at about 3 PM, the applicants entered in his shop for refreshment and after inflicting threatening, demanded Rs. 200/- forcibly for consuming liquor and on denial, Applicant NO. 1 Shankar Baghel placed the pistol on his temple and after damaging the articles kept in the shop they also looted Rs. 800/- from him. On the basis of above, offence has been registered against the applicants

and they have been arrested on 09.09.2018.

3. Learned Counsel appearing on behalf of the Applicants submits that the Applicants are innocent and have been falsely implicated in the case. He further submits that complainant Shashi @ Vivekanand Prasad Sahu has already examined before the Trial Court and he has not supported the case of the prosecution and turned hostile, the applicants are in custody since 09.09.2018, charge-sheet has already been filed and trial will take some time. Therefore, they 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 complainant Shashi @ Vivekanand Prasad Sahu has already examined before the Trial Court and he has not supported the case of the prosecution and turned hostile, the applicants are in custody since 09.09.2018, charge-sheet has already been filed and trial will likely to take some time, without further commenting on merits of the case, I am inclined to release the applicants on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicants shall be released on bail on each of them 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 their appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge