

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 12 of 2020**

1. Sandeep Dewar, S/o Sarjan Dewar, aged about 30 years, R/o Sindhi Colony, Gobra Nawapara, P.S. - Gobra Nawapara, Distt. Raipur (C.G.)
2. Amar Dewar, S/o Late Chote Lal Dewar, aged about 32 years, R/o Somwari Bazar Gobra Nawapara, P.S. - Gobra Nawapara, Distt. Raipur (C.G.)
3. Narendra Dewar, S/o Late Chote Lal Dewar, aged about 25 years, R/o Somwari Bazar Gobra Nawapara, P.S. - Gobra Nawapara, Distt. Raipur (C.G.)

---- Applicant**Versus**

State of Chhattisgarh, Through : P.S. Kurud, District - Dhamtari (C.G.)

----Non-applicant

For Applicants : Mr. R.S. Patel & Mr. Malay Jain, Advocate.
 For Non-applicant/State : Mr. B.L. Sahu, Panel Lawyer.

Hon'ble Smt. Justice Rajani Dubey**Order On Board****11/02/2020**

- (1) The accused/applicants have preferred this bail application under Section 439 of the Code of Criminal Procedure for releasing them on regular bail during trial in connection with Crime No. 605/2019 registered at police Station Kurud, District Dhamtari (C.G.) for the offence punishable under Sections 341, 427 & 394/34 of the Indian Penal Code, 1860.
- (2) Case of the prosecution, in brief, is that on 03.12.2019 at 9.30 pm, the applicants came in the motorcycle and stopped one Commercial Vehicle (*Tata Act*) bearing registration No. CG 05 AB 8348 and tried to damage his vehicle and also looted Rs. 20,333/- for the wallet of the complainant and thereby committed the aforesaid offences.
- (3) Counsel for the applicants submits that applicants have been falsely implicated in the

crime in question as there is no evidence on record to connect the applicants with the crime in question. He further submits that the complainant has not supported the case of the prosecution and has turned hostile before the trial Court. He also submits that the applicants are in custody since 04.12.2019; charge sheet has already been filed and the trial is likely to take some time for its final disposal and, therefore, the applicant is entitled to be released on bail.

(4) On the other hand, counsel for the State opposes the bail application.

(5) I have heard learned counsel appearing for the parties and perused the case diary with utmost circumspection.

(6) Taking into consideration the facts & circumstances of the case; particularly the facts applicant is in detention since 04.12.2019; charge sheet has already been filed; the complainant has not supported the case of the prosecution and has turned hostile before the trial Court; and the trial is likely to take some time for its final disposal; without further commenting on merits; this court is of the view that it is a fit case to release the applicants on bail. Accordingly, the application is allowed.

(7) Accused/applicants are directed to be released on bail on each of them executing a personal bond in the sum of Rs. 25,000/- with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge

D/-

