

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 470 of 2020**

1. Surayakant Chaturvedi S/o Dan Singh Chaturvedi Aged About 25 Years R/o Village Limtara, Police Station Kumhari, District Durg, Chhattisgarh.
2. Rupesh Sivare S/o Lalji Sivare Aged About 25 Years R/o Village Limtara, Police Station Kumhari, District Durg, Chhattisgarh..

---- Applicants

Versus

- State Of Chhattisgarh Through District Magistrate Durg, District Durg, Chhattisgarh..

---- Respondent

For Applicants	:	Mr. B.P. Singh, Advocate.
For Respondent	:	Ms. Reena Singh, PL

Hon'ble Smt. Justice Rajani Dubey**Order on Board****06.03.2020**

- The accused/applicants have moved this first bail application under Section 439 of the Code of Criminal Procedure for releasing them on regular bail during trial in connection with Crime No. 221/2019 registered at Police Station – Kumhari, District Durg (C.G.) for the offence punishable under Section 394, 411 of the IPC.
- The prosecution story in nutshell is that, one Yatindra kumar Dewangan has lodged report against unknown person before the concerned police station alleging that on 11.12.2019, while he was returning with his wife and daughter though scooty from village Limtara to his village Kurud, at that time, applicants along with co-accused came there, assaulted them and looted Rs. 1,700/- cash, mobile phone, some golden ornaments and other documents. Based on that, after investigation, offence has been registered against the

applicants and they have been arrested.

- Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the case. He further submits that the first memorandum of co-accused has been recorded on 13.11.2019 and further a memorandum has been recorded on 07.12.2019 and implicated the applicants by cooking a concocted story. He next added that the applicants are in jail since 08.12.2019 and they are ready to furnish adequate surety and shall abide by all the directions and conditions imposed upon them by the Court, therefore, the present applicants may also be granted bail.
- On the other hand, counsel for the State strongly opposes the bail application and submits that in the TIP, complainant clearly identified the applicants.
- I have heard learned counsel for the parties.
- Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of the applicants, as the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicants on bail. Accordingly, the application is allowed.
- Accused/applicants are directed to be released on bail on their executing a personal bond in the sum of Rs. 50,000/- each, with one local surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the said Court on each and every date given to them by the said Court.

Sd/-
(Rajani Dubey)
Judge