

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1124 of 2020**

1. Kapil Kumar Sahu S/o Pahrik Ram Sahu Aged About 37 Years R/o Ward No. 16, Near Sai Mandir Shivpuri Jamul, District Durg Chhattisgarh
2. Doman Sahu @ Chotu S/o Gajendra Sahu Aged About 19 Years R/o Ward No. 16, Near Sai Mandir Shivpuri Jamul, District Durg Chhattisgarh
3. Lalit Kumar @ Raja Sahu S/o Gangaram Sahu Aged About 18 Years R/o Ward No. 16, Near Sai Mandir Shivpuri Jamul, District Durg Chhattisgarh
4. Vicky Chauhan S/o Virendra Chauhan Aged About 22 Years R/o Hasda. P. S. Berala, District Bemetara Current Address Asharam Bapu Nagar, Jamul Ward No. 05, Jamul District Durg Chhattisgarh
5. Jitendra @ Jitu Sahu S/o Santosh Sahu Aged About 32 Years R/o Shivpuri Kanharpara, Ward No. 16, Near Sai Mandir Shivpuri, District Durg Chhattisgarh
6. Bhupendra Thakur S/o Keshav Thakur Aged About 25 Years R/o Khasti Huli Ward No. 01, P. S. Tilda Nevara, District Raipur Current Address Shivpuri Kanharpara, Ward No. 16, Near Sai Mandir Shivpuri Jamul District Durg Chhattisgarh

---- Applicants**Versus**

- State Of Chhattisgarh Through Police Station Jamul, District Durg Chhattisgarh

---- Respondent

For Applicants	:	Shri Rahil Arun Kochar, Advocate
For State	:	Shri Alok Bakshi, Addl. A.G.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****11/08/2020**

Heard.

1. The applicants have been arrested in connection with Crime No.706/19 registered at Police Station – Jamul, District – Durg (C.G.) for alleged commission of offences under Section 395 and 397 of IPC.
2. Prosecution story is that the applicants entered the bar of the complainant and there, they assaulted the complainant and looted a mobile and cash of Rs.800/-.

3. Learned counsel for the applicants would argue that as per the description given by the complainant himself, present is not a case of dacoity but it is a case of simple *maarpeet*. He would argue that even according to the complainant, the accused – Kapil Sahu had asked for water and a dispute arose and thereafter, Kapil Sahu returned with his associates and co-accused and committed *maarpeet*. He would submit that the alleged act of snatching mobile and cash would not give the incident, colour of dacoity. He submits that one simple injury has been found on the body of the complainant. Therefore, now, when the investigation is complete and charge sheet has been filed, the applicants may be granted bail.

4. On the other hand, learned State counsel opposes and submits that the manner in which the applicants entered in the bar of the complainant, assaulted with clubs and other wooden sticks and looted mobile and cash, a *prima facie* case of dacoity is made out.

5. Taking into consideration the submission of learned counsel for the parties particularly the manner in which the incident alleged to have been occurred, the amount and articles alleged to have been looted and that investigation is complete, charge sheet has been filed, I am inclined to grant bail to the applicants as there is no material to show that in the event of grant of bail, the applicants are likely to abscond or tamper with the prosecution witnesses.

6. Accordingly, the application is allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- along with two local sureties for the like amount to the satisfaction of the Trial Court on the condition that -

- a) They shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
- b) They shall not make any attempt to tamper with the prosecution witnesses.

If there are any allegations of applicants again approaching the complainant or threatening him, the bail granted to the applicants shall be liable to be cancelled.

Certified copy as per rules.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge