

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1597 of 2020**

- Pawan Yadav @ Sawant son of Shanker Lal Yadav, aged about 27 years, R/o village Dudga, Police Station Pamgarh, District Janjgir-Champa (C.G.)

---- Petitioner**Versus**

- State Of Chhattisgarh Through : The Station House Officer, Police Station Kotwali, Rajnandgaon, Chhattisgarh

---- Respondent

For Applicant	:	Shri Rajeev Kumar Dubey, Advocate
For Respondent	:	Shri Raghavendra Verma, G.A.

Hon'ble Smt Justice Rajani Dubey**Order on Board****21/07/2020**

1. The applicant has preferred this third bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.103/2018, registered at Police Station - Kotwali, Rajnandgaon (C.G.) for the offence punishable under Sections 392, 394, 365, 386, 34 IPC and Section 41 (1+4) (1-9) of CrPC
2. Earlier bail applications of the applicant were dismissed as withdraw.
3. The prosecution story, in brief, is that the present applicant along with co-accused sat in the car of complainant saying that he does not know how to drive the car. When they reached near Pendri by-pass, the applicant and other co-accused persons demanded Rs.10 Lac on the gun point,

snatched two mobile phones, ATM Cards of Axix Bank, ICICI Bank, PNB bank & credit cards of HDFC, ICICI and Axix Banks and also demanded password of the cards. Further case is that, after some time, they administered water mixed with medicine to complainant and at about 11.00 PM, they assaulted him with gun butt, hands and fists as a result of which he sustained injuries on his body. Based on this, offence has been registered. The present applicant has been taken into custody on 05.06.2018.

4. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that though the co-accused has named the present applicant in his memorandum statement but he did not identify the present applicant. He also submits that expect memorandum statement of the co-accused, there is nothing on record to connect the applicant with the crime in question. He next submits that the present applicant is in custody since 05.06.2018, charge sheet has been filed and there is no likelihood of his case being decided in near future. Therefore, he may be released on bail.
5. On the other hand, learned counsel for the State opposed the bail application.
6. I have heard learned counsel for the parties and perused the record.
7. Considering the totality of the facts and circumstances of the case, quality of evidence and further considering the fact that the applicant is in custody since 05.06.2018, charge sheet

has been filed and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release the applicant on bail.

8. Accordingly, the bail application is allowed.
9. It is directed that the applicant shall be released on bail on his executing a personal bond for a sum of Rs.50,000/- 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, till the final disposal of the trial.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge

Pekde