

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 3038 of 2020

- Vijay Verma @ Vijay Kumar Adholiya S/o Late Ram Ratan Adholiya Aged About 19 Years R/o Ujjval Nagar, Indira Awas, Navadeeh, Thana Seepat, District Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Station House Officer, Police Station Seepat, District Bilaspur, Chhattisgarh

---- Respondent

For Applicant/s	:	Mr. Ramavtar Mishra, Advocate.
For State	:	Mr. Gagan Tiwari, Dy. G.A.

Hon'ble Shri Justice Manindra Mohan ShrivastavaOrder On Board27/08/2020

Heard.

1. The applicant has moved this application for grant of bail as he is arrested in connection with Crime No.209/2020 registered at Police Station- Seepat, District-Bilaspur, C.G. for the alleged commission of offence under Sections 395, 397 & 34 of IPC.
2. Prosecution case is that while the complainant was going on road, applicant and other co-accused intercepted, assaulted and looted his mobile. In the incident, complainant sustained injuries.
3. Learned counsel for the applicant would argue that the applicant has been falsely implicated in the case. He would submit that the complainant has not identified the applicant in the test identification parade. It is next submitted that a mobile phone is said to have been seized from the possession of the applicant and no *Panchnama* of this mobile has been prepared. In the absence of identification of mobile, seizure does not connect the applicant with the alleged commission of offence. He would submit that investigation is complete, charge sheet has been filed and applicant is in jail since 04.05.2020 and in the present situation, there is no likelihood of early commencement of

trial much less its conclusion. Therefore, it is prayed, the applicant may be granted bail.

4. On the other hand, learned State Counsel opposes and submits that present is a case of highway robbery, in which, not only loot has been taken place but the victim has also been injured by the rod. He would submit that the looted mobile has been recovered from the possession of the applicant, which, *prima facie*, connect him with the alleged commission of offence.
5. On *prima facie* consideration, it is found that the allegation on applicant having been involved in the alleged commission of offence is based on recovery of a mobile phone from the possession of the applicant but the material collected by the investigating officer does not contain any document showing identification of the mobile by the victim. Secondly, the applicant has not been identified in test identification parade. Therefore, considering the aforesaid material and further taking into consideration that the investigation is complete, charge sheet has been filed, applicant is in jail since 04.05.2020 and at present, trial is also not proceeding, I am inclined to grant bail to the applicant.
6. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with one local surety of the like amount to the satisfaction of the Trial Court on the condition that-
 - a) He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
 - b) He shall not in any manner, tamper with the prosecution witnesses.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge