

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3312 of 2020

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

---- Applicant

Versus

State Of Chhattisgarh Station House Officer, P.S. Seepat, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Ramratan Mishra, Advocate appears on behalf of Mrs. Shital Soni, Advocate
For State	:	Mr. Ravish Verma, Govt. Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

13/08/2020

Heard.

1. The applicant has been arrested in connection with Crime No. 202/2020 registered in Police Station -Seepat, District -Bilaspur (CG) for alleged commission of offence under Sections 395, 397 IPC.
2. Case of the prosecution, in brief, is that the applicant and other accused persons looted the victim in the night and the victim was also assaulted.
3. Learned counsel for the applicant would submit that the allegation of applicant involved is doubtful because in the report, only one person is initially named. He would submit that it was dark in the night therefore, identification itself is very doubtful. It is also submitted that the victim is not found to have sustained any material injury and the allegation against the applicant is that from his possession, Rs.100/- were recovered. Applicant is a leprosy patient, therefore, in these circumstances, when

charge sheet has been filed, he may be granted bail.

4. On the other hand, learned counsel for the State opposed the bail application by submitting that on the date of incident, more than one incident of dacoity took place and the applicant is found involved in two cases. He would submit that in case the applicant is granted bail, he is likely to misuse his liberty and getting involved in similar offence.
5. Taking into consideration the submissions made by learned counsel for the respective parties, particularly taking into consideration that the applicant is stated to be a leprosy patient and further taking into consideration the material with regard to injury and the amount alleged to be found in possession of the applicant and further that the incident is said to have taken place in the night and the applicant has raised serious dispute with regard to identification and charge sheet having been filed, I am inclined to allow the application.
6. The application is accordingly 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 two local sureties for the like amount to the satisfaction of the concerned trial Court with following further conditions:-
 - (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Manindra Mohan Shrivastava)
Judge