

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 3604 of 2020**

1. Charan Nishad & Anr. S/o Shri Mukhchand Nishad Aged About 21 Years R/o Ward No. 11 Lawan, Police Outpost- Lawan, P.S. And Tahsil- Kasdol, District- Balodabajar- Bhatapara, Chhattisgarh
2. Neelkamal Kurre S/o Shri Manatram Kurre Aged About 21 Years R/p Village- Barda, Police Outpost- Lawan, P.S. And Tahsil- Kasdol, District- Balodabajar- Bhatapara, Chhattisgarh

**---- Applicants****Versus**

- State Of Chhattisgarh Through The Station House Officer Police Station- Kasdol, Police Outpost- Lawan District- Balodabajar- Bhatapara, Chhattisgarh

**---- Respondent**


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| For Applicant | : | Shri Sunil Sahu, Advocate     |
| For State     | : | Shri Ravish Verma, Govt. Adv. |

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**Hon'ble Shri Justice Manindra Mohan Shrivastava****Order On Board****28/08/2020**

Heard.

1. The applicants have been arrested in connection with Crime No.332/2020 registered at Police Station – Kasdol, Police outpost – Lawan, District – Balodabajar- Bhatapara (C.G.) for alleged commission of offences under Section 394/34 of IPC and Section 25, 27 of Arms Act.
2. Prosecution case is that when the complainant was going on the road, he was stopped by the applicants and other co-accused and his mobile and cash of Rs.3,100/- was looted and he was also assaulted by hands and fists.
3. Learned counsel for the applicants would submit that the allegation of assault and loot against the applicants is fabricated. They have not looted the alleged victim and recovery is also false. It is further submitted that there is no allegation of use of fire arm and simple injury has been caused to the victim. Therefore, at this stage, when investigation is complete and applicants are in jail since 24/05/2020, they may be

granted bail.

4. On the other hand, learned State counsel opposes prayer and submits that the applicants have been involved on the allegation of looting mobile and cash of Rs.3,100/- and also a motor cycle, though motor cycle was seized on the spot itself. He submits that in test identification parade, the applicants have been identified and mobile and cash was seized.

5. Taking into consideration the nature of allegations, amount and articles looted and that injury caused to the victim appears to be simple in nature and not caused by any fire arm or any other dangerous weapon, further considering that the applicants are in jail since 24/05/2020, investigation is complete and charge sheet has been filed, I am inclined to grant bail to the applicants.

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 one local surety 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.

Certified copy as per rules.

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