

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4316 of 2020**

- Devendra Kumar Sumer S/o Shri Naresh Das Aged About 36 Years R/o Village Sivni, Police Station Marwahi, District Gourela Pendra Marwahi, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Marwahi, District Gourela Pendra Marwahi, Chhattisgarh.

---- Respondent

MCRC No. 4323 of 2020

1. Prakash Narayan Sonwani S/o Shri Gorelal Sonwani Aged About 24 Years R/o Village- Sivni, P.S.- Marwahi, Distt.- Gourela Pendra Marwahi, Chhattisgarh.
2. Shesh Narayan Sonwani S/o Shri Gorelal Sonwani Aged About 26 Years R/o Village- Sivni, P.S.- Marwahi, Distt.- Gourela Pendra Marwahi, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, P.S.- Marwahi, Distt.- Gourela Pendra Marwahi, Chhattisgarh.

---- Respondent

For Applicants.	:	Mr. Shailesh Ahuja, Advocate.
For Respondent/State	:	Mr. Rahul Jha, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****27.08.2020**

1. The applicants have filed their First bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail in connection with Crime No. 31/2020 registered at Police Station Marwahi, District Gourela Pendra Marwahi Bilaspur (C.G.) for the offence punishable under Section 395 of

the IPC.

2. The allegation against the present applicants, as per the prosecution case is that while the complainant was driving a pick up carrying some goods, the applicants along with other co-accused person overtook the pick up by an Omni van bearing Registration No. CG 04 HD 5420, stopped the complainant, assaulted him with the help of sticks and rods and looted the goods worth of Rs. 62,000/- and cash of Rs. 30,000/-. Based on that, after investigation, offence has been registered against the applicants.
3. Learned counsel for the applicant submits that the applicants have been falsely implicated in the crime in question. He further submits that the complainant lodged the named FIR in the case of Section 395 of IPC which shows that a false story has been created and the applicants have been made accused. The applicants Prakash Narayan Sonwani and Shesh Narayan Sonwani are in jail since 25.05.2020 and applicant Devendra Kumar Sumer is in jail since 03.06.2020 and there is no previous criminal antecedent against the applicants and they are ready to furnish adequate surety and shall abide by all the conditions and directions, which may be imposed by this Hon'ble Court, therefore, they may be released on bail.
4. On the other hand, State counsel strongly opposes the bail application.
5. I have heard learned counsel for the parties and perused the record.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention

period of the applicants, as the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicants on bail. Accordingly, the application is allowed.

7. Accused/applicants are directed to be released on bail on their executing a personal bond in the sum of Rs. 50,000/- each, with one local surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the said Court on each and every date given to them by the said Court.

Sd/-
(Rajani Dubey)
Judge