

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.4062 of 2020**

- Chaman Chouhan S/o Shri Balkishan Chouhan Aged About 20 Years R/o Ward No. 07, Kandra Para, Nevra, Police Station Nevra, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- **Petitioner****Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Nevra District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- **Respondent****MCRC No. 4560 of 2020**

- Rajeshwar @ Somu Nishad S/o Shri Suresh Nishad Aged About 20 Years R/o Ward No. 07, Kandra Para, Nevra, Police Station Nevra, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- **Petitioner****Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Nevra, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- **Respondent**

For Applicant/s	:	Shri C. R. Sahu, Advocate
For Respondent/State	:	Shri Ravish Verma, GA

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

Heard.

1. The aforesaid bail applications (M.Cr.C.No.4062 & 4560 of 2020) are being disposed off by a common order as both bail applications arise out of the same crime number.
2. The applicants have moved these bail applications under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.80/2020

registered at Police Station Nevra, District Raipur for the offence punishable under Section 394 of the IPC. The applicants were arrested on 03-03-2020.

3. Prosecution case is that the applicants and another co-accuse(Juvenile) intercepted victim and looted his mobile and cash of Rs.7,000/- as also assaulted him resulting in lacerated wound.

4. Learned counsel for the applicant submits that the applicants have been involved on the basis of suspicion without there being any legally admissible evidence to connect them with the alleged commission of offence. Learned counsel for the applicant would submit that a report was filed against unknown persons and Test Identification Parade has not been conducted. He would further submit that no identification of the seized mobile from the accused-Rajeshwar has been carried out. Seizure of cash of Rs.1,000/- each from the applicant-Chaman and Rajeshwar is by itself is not incriminating evidence. It is lastly submitted that as investigation is complete and charge sheet has been filed, at this stage, the applicant may be granted bail.

5. On the other hand, learned counsel for the State/non-applicant opposes the bail application by submitting that recovery of cash and mobile prima facie involves the applicants in the alleged commission of offence.

6. Upon prima facie consideration, it appears that the applicants have been involved in the offence on the basis of recovery of cash and mobile, but there is no identification of mobile by the victim and the applicants have not been put to test identification parade and charge sheet has been filed. There is nothing to show that the applicants are in a position to abscond or tamper with the prosecution witnesses. In my considered opinion, the present is a fit case for grant of bail to the applicants at this stage.

7. Accordingly, the bail applications(M.Cr.C.No.4062 & 4560 of 2020) are allowed. It is ordered that the applicants shall be released on bail on each of them furnishing a personal bond of Rs.25,000/- along with one local surety of the like amount to the satisfaction of the concerned trial Court on the condition that they shall appear before the trial Court regularly on each and every date of hearing, unless exempted.

Certified copy as per rules.

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