

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4641 of 2020**

- Pawan Banjare S/o Shatrughan Banjare aged about 23 years, R/o Sonpur, Tahsil and District- Dhamtari, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through - Station House Officer, Police Station Bhakhara, District-Dhamtari, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Dashrath Kushwaha, Adv.
For Respondent/State	:	Mr. H. S. Ahluvalia, Dy. A.G.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****31/08/2020**

1. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 56/2020 registered at Police Station Bhakhara, District-Dhamtari (C.G.) for the offence punishable under Section 394/34 of the IPC.
2. The prosecution story, in brief is that, complainant Sunil Meshram has lodged a written complaint that on 14.06.2020 when he was going to play gambling with his friend Aman Dhimar, on way of Kurud where he was won an amount of Rs. 80,000/- from gambling and thereafter they were returning to Dhamtari, at about 8:50 pm., when they reached at village Koliyari road at that time, four persons namely Pappu Satnami, Vinod Dahariya, Pawan Satnami and Golu Satnami came near the complainant, assaulted and looted the said amount and two mobile phones from them. Based on this offence has been registered against the present applicant and other co-accused persons.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in

question. He further submits that the police has not seized any said article from the applicant and only on the basis of memorandum the applicant has been arrested. He also submits that the applicant is in jail since 16.06.2020, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.

4. On the other hand, counsel for the State opposes the bail application and submits that the allegation against the applicant is of serious in nature; therefore, no case is made out for grant of bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicant and further considering that the offence is triable by Judicial Magistrate First Class. The applicant is in jail since 16.06.2020, and 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 applicant on bail. Accordingly, the application is allowed.
7. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 50,000/- with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.

**Sd/-
(Rajani Dubey)
Judge**