

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5505 of 2020**

Salinder Ekka S/o Ramprasad Ekka Aged About 23 Years R/o Village Mahuadarha, P.S.-Pathalgaon, District-Jashpur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, P.S.- Udaipur, District Surguja, Chhattisgarh.

---- Respondent

For the Applicant : Shri Nishi Kant Sinha, Advocate.
For the Respondent/State : Shri Vimlesh Bajpai, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****07.10.2020**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.88 of 2020, registered at Police Station – Udaipur, District – Surguja, Chhattisgarh for the offence punishable under Sections 392, 342, 398 and 450, 34 of the Indian Penal Code and Sections 25 and 27 of the Arms Act.

2. Learned counsel for the applicant submits that the applicant is in jail since 18.07.2020 and has been falsely implicated in this case. The seizure that has been made from the applicant does not lead to his connection with the offence committed and he is not the person who was identified in the Test Identification Parade. Hence, it is prayed that the applicant be enlarged

on bail during the pendency of trial.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the recovery of country-made pistol, cartridge, mobile, cash of Rs.1,000/- and one motorcycle has been made from the possession of this applicant which clearly connects with the crime committed. Hence, no case is made out for grant of bail to the applicant.

4. Heard counsel for both the parties and perused the case diary.

5. On the date of incident, complainant – Ram Singh has lodged FIR that two persons have been covered their face with handkerchief and one person with open face looted from his possession cash of Rs.40,000/-, two numbers of mobile SIM at the point of a country-made pistol. In the investigation, the seizure mentioned herein-above by the State counsel has been made from the possession of this applicant. Further, he is not the person who has been identified from the TIP.

6. After considering the submissions and the facts of the case, I am of the view that the applicant should be granted regular bail during the pendency of the trial.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge