

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5967 of 2020**

- Avinash Tirky, S/o Vimal Tirky, Aged About 19 Years Caste Uraon, Occupation - Student, R/o Jarhadih, Police Station And Tahsil Batouli, District Surguja Chhattisgarh. **---- Applicant**

Versus

- State of Chhattisgarh, Through The Station House Officer Police Station Batouli, District Surguja Chhattisgarh. **---- Respondent**

For Applicant	:	Shri Jitendra Shrivastava, Advocate
For State	:	Shri Ravish Verma, G.A.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****13/10/2020**

1. Heard on application for grant of bail.
2. The applicant has been arrested on 10.08.2020, on the allegation of having committed offence under Section 394 & 427/34 of I.P.C. He moved this application for grant of bail in connection with Crime No.68/2020 registered at Police Station- Batouli, District- Surguja (C.G.).
3. Prosecution case is that the applicant and other co-accused looted a truck driver by breaking glass of the vehicle and looted cash and other articles.
4. Learned counsel for the applicant would argue that the applicant has been falsely involved in alleged commission of offence. Though charge sheet has been filed, there is no legally admissible evidence to make any prima facie case against the applicant. He further submitted that neither looted cash has been recovered nor applicant has been identified in identification parade by looted person or any other person. He next submits that memorandum of co-accused which has been made basis to involve the applicant itself shows that it was not a case of loot on any planning but all of a sudden, a dispute arose while crossing on the road and the allegation of loot on other accused has

been levelled without there being any criminal overt act committed by the present applicant. As investigation is complete, charge-sheet has been filed, therefore, he may be granted bail.

5. On the other hand, learned State Counsel opposes the prayer for grant of bail and submits that in the memorandum of other co-accused who have been also involved and from whom recovery has been made, have clearly stated that at the time of committing loot, the present applicant was also present and accompanying with them.
6. I have heard learned counsel for the parties. Particularly taking into consideration the submission regarding no criminal act committed by the applicant, no recovery, no identification and the applicant is in jail since since 10.08.2020, applicant is entitled to bail.
7. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on bail, on his furnishing a personal bond in the sum of Rs.25,000/- with two local sureties for the like amount to the satisfaction of the Trial Court on the condition that-
 - a) He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
 - b) The applicant shall not in any manner, tamper with the prosecution witnesses.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge