

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6492 of 2020

- Kanhaiya Patel, S/o Ramesh Patel, aged about 21 Years, R/o - Behind Dharsiva Thana, Raipur, Police Station Dharsiva, District Raipur, Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh, Through Police Station Dharsiva, District Raipur, Chhattisgarh.

---- Respondent

For Applicant
For State

Shri Vivek Kumar Agrawal, Advocate.
Shri Dinesh Tiwari, Deputy Government Advocate.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

17/11/2020

1. The matter is listed for order on default.
2. Learned counsel for the applicant submits that the default as pointed out by the Office has already been removed.
3. Heard on admission.
4. The application is admitted for hearing.
5. With the consent of the parties, the matter is heard finally.
6. The applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of bail as he is arrested in connection with crime No. 157/2020, registered at Police

Station – Dharsiva, Raipur, District Raipur, (C.G.) for the offence punishable under Section 394 of IPC and under Section 28 of the Arms Act.

7. Case of the prosecution, in brief, is that on 20.04.2020 when complainant Raju Rai along with his friends was going to his home from Urla on foot, the applicant with co-accused Asgar Khan intercepted the complainant, abused him filthily and on the point of revolver looted Rs.1200/- from him. On report to the above effect being lodged by the complainant on 21.04.2020, offence under Section 394 of IPC and under Section 28 of the Arms Act was registered against the accused persons.
8. Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He submits that the applicant is in jail since 21.04.2020, charge sheet has already been filed, nothing is required to be seized from the applicant and more so, the similarly situated co-accused namely Asgar Khan has already been granted regular bail by the trial Court vide order dated 17.09.2020. Therefore, the applicant be also granted bail on the ground of parity.
9. On the other hand, learned counsel for the State opposes the bail application.

10. Considering the facts and circumstances of the case, the detention period of the applicant, in particular the fact that the similarly situated co-accused namely Asgar Khan has already been granted regular bail by the trial Court, without expressing any opinion on merits of the case, this Court is of the opinion that present is a fit case for grant of bail to the applicant. Accordingly, the application is allowed. It is directed that in the event of applicant executing a personal bond for a sum of Rs.10,000/- with two sureties for the like amount to the satisfaction of the concerned trial Court, he shall be released on bail on the following conditions:-

- (i) He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court,
- (ii) He shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) He shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
- (iv) He shall not involve himself in any offence of similar nature in future.

Sd/-
Gautam Chourdiya
Judge