

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7237 of 2020**

1. Virendra S/o Jagdish Rajak, Aged About 30 Years
2. Imamshah S/o Ankush Shah, Aged About 19 Years
3. Ajit Rajak S/o Rajendra Rajak, Aged About 35 Years
4. Lokesh @ Golu S/o Ashik Dhimar, Aged About 23 Years

All Resident of Barethpara, Thakurpara Khairagarh, Police Station and Tahsil - Khairagarh, District - Rajnandgaon (Chhattisgarh)

---- Applicants**Versus**

State of Chhattisgarh Through - Station House Officer, Police Station - Khairagarh, District - Rajnandgaon (Chhattisgarh)

---- Non-applicant

For Applicants : Shri Tarun Dansena, Advocate

For Non-applicant/State : Shri Vikram Sharma, Dy. Govt. Advocate

Hon'ble Shri Justice Parth Prateem Sahu**Order on Board****17.12.2020**

1. This is first application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to applicants, who are in custody since 27.07.2020 in connection with Crime No.266 of 2020 registered at Police Station Khairagarh, District Rajnandgaon, Chhattisgarh for commission of the offence punishable under Sections 341, 394 and 34 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that on 23.07.2020, complainant Sajjan Kumar along with Lakhan Das Sahu came

to Khairagarh and was returning back from the liquor shop to their house at about 5.30 PM in the evening. When they reached near cross-bridge, three persons who are sitting over the Scooty and one person standing by their side have stopped them and stated that they are carrying illicit liquor and have given hand blow. One of the boy stated that he is a Policeman and demanded Rs.30,000/- from them. Thereafter, they have robbed Rs.3000/- from the possession of complainant and Rs.1,000/- from the possession of Lakhan Das Sahu as well as their Aadhaar Cards; threatened not to tell anyone about the incident and ran away. On the same day, incident was reported to concerned Police Station, based upon which, aforementioned offence was registered against the present applicants. On account of mentioning of the name by the complainant as Virendra Rajak and Imamshah, these two persons were arrested and on the basis of their memorandum statement, Ajit Rajak and Lokesh alias Golu Dhimar were also arrested.

3. Shri Tarun Dansena, learned counsel for the applicants submits that present applicants have not committed any offence as alleged against them, but they after purchasing the liquor from the liquor shop were sitting on the cross-bridge, where the complainant and his friend Lakhan Das Sahu came there and have tried to snatch liquor purchased by them. The applicants are in custody since 27.07.2020, the charge sheet has already

been filed and they had no criminal past, hence, prayed that applicants may be enlarged on regular bail.

4. On the other hand, Shri Vikram Sharma, learned State Counsel opposes the prayer for grant of bail and submits that report has been lodged immediately by the complainant after the incident on 23.07.2020. On the basis of mentioning of name by the complainant of Virendra Rajak and Imamshah, applicants have been arrested and from their possession, Rs.1,000/- each and Aadhaar Card of complainant and his friend have been recovered. It is pointed out that Scooty was also recovered from the possession of Lokesh alias Golu Dhimar, which has been used for commission of offence, hence, present applicants are not entitled for benefit under Section 439 of the Code of Criminal Procedure, 1973.
5. I have heard learned counsel for the parties.
6. Taking into consideration the overall facts and circumstances of case, particularly, nature of allegations levelled against the applicants and further considering that applicants are not having any criminal antecedent as per material available on the case diary and their pre-trial detention, without commenting anything on merits of the case, I am inclined to release the applicants on regular bail.
7. Accordingly, the application is allowed and it is directed that the applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.10,000/- each with one surety

in the like sum to the satisfaction of the trial Court concerned on the conditions that;

- a) They shall appear before the trial Court concerned regularly on each and every date unless exempted from appearance.
- b) They shall not, in any manner, tamper with the prosecution witnesses.
- c) If the applicants are found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge