

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6917 of 2020**

1. Sheikh Rasid @ Rasid son of Sheikh Sageer, aged about 23 years
2. Rohit Kumar Paswan @ Babbi, son of Pramod Paswan, aged about 18 years

Both are resident of Sharda Para Bhairav Basti, Near Nanda Kirana, Camp-2 Bhilai, P.S. Chhawani, Tahsil and District Durg C.G.

-----Applicants**Versus**

- State of Chhattisgarh Through Station House Officer, Police Station Supela District Durg, C.G.

---- Non-applicant

For Applicants	:	Mr. Sanjay Kumar Agrawal, Advocate
For Non-applicant	:	Mr. Siddharth Dubey, Dy.Govt. Advocate.

Hon'ble Mr. Justice Parth Prateem Sahu**ORDER****08/12/2020**

1. Applicants have preferred this application under Section 439 Cr.P.C. for grant of regular bail as they have been arrested in connection with Crime No.392/2020 registered at Police Station Supela, Civil and Revenue District Durg (CG) for the offence punishable under Sections 394, 397 IPC.
2. Case of the prosecution is that when complaint was returning from a medical shop on 26.06.2020 at about 23:10 hours, at that relevant time applicants have stopped him near 7th Battalion, graveyard, G.E.

Road, Bhilai, looted Rs. 500/- from him and also tried to loot his mobile phone after causing injury upon his hand. At that time, complainant's friend by name Nandkishore Sharma who was also returning from the shop reached at the spot, upon seeing him, applicants ran away from the spot. F.I.R. was lodged against unknown persons but upon putting to identification, applicants have been identified, hence, offence was registered against them.

3. Mr. Sanjay Kumar Agrawal learned counsel for the applicants submits that from perusal of the F.I.R. itself would show that initially offence was registered against unknown person but even then on the same date ie. 27.06.2020, applicants have been arrested on suspicion and put behind the bars. They were put to identification on 04.07.2020 upon which the complainant Shiv Shankar has identified to both of them because they were arrested by the police. Other crime to be committed on the same date ie. 27.06.2020 at about 03:00 AM has also been alleged against the present applicants for which different crime has been registered and the applicants have been shown to be arrested in that crime as well. The proceeding initiated for identification is erroneous. He submits that the offence was committed by some other persons but only on the basis of suspicion the present applicants have been arrested, there was no criminal antecedent of any nature against the present applicants, they are young boys aged about 23 years and 18 years. They are behind the bars since 26.06.2020 and hence, they may be released on bail.

4. On the other hand, Mr. Siddharth Dubey, learned counsel for the Non-applicant opposes the submissions made by the learned counsel for the applicants and submits that as per the contents of the impugned order, applicants have been arrested for commission of similar offence on the same date. He further submits that both the applicants have accepted the commission of offence in the memorandum statement, hence, the submission made by the learned counsel for the applicants that they have been falsely implicated in the crime is not sustainable.
5. I have heard learned counsel for the respective parties and also perused the case diary.
6. Perusal of the F.I.R. would show that initially the F.I.R. was lodged against unknown person and subsequently applicants have been shown to be arrested on the basis of the suspicion and thereafter put to identification only on 04.07.2020. Upon posing question with regard to criminal past of applicants, learned counsel for the State submits that there is no material in case diary showing any criminal past of the applicants.
7. Taking into consideration the overall facts and circumstances of the case and also the age of the applicants to be 23 years and 18 years, not having any criminal past, under detention since 27.06.2020, without commenting on merits of the case, I am inclined to allow the bail application.
8. Accordingly, the bail application is allowed. It is directed that the applicants be released on regular bail, on each of them upon

furnishing a bail bond in the sum of Rs.10,000/- each one with one surety in the like sum to the satisfaction of the Court on the conditions that-

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

Certified copy as per rules.

Sd/-

(Parth Prateem Sahu)
Judge

Pawan