

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 6879 of 2020

Banti Ratre S/o Late Suresh Chandra, Aged About 22 Years R/o Ward No. 7,
 Police Station -Abhanpur, District Raipur, Chhattisgarh.

---- Applicants

Versus

State of Chhattisgarh, Through Chowki Birejhar, Police Station Kurud, District
 Dhamtari, Chhattisgarh.

--- Respondents

For Applicant	: Mr. Vivek Mishra, Advocate.
For Respondent-state	: Mr. Siddharth Dubey, Dy. GA.

Hon'ble Shri Parth Prateem Sahu, J
Order on Board

15/12/2020

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant, who has been arrested in connection with Crime No.442/2020, registered at Chowki Birejhar, PS - Kurud, District Dhamtari, (C.G), for the offence under Sections 392 & 34 of the Indian Penal Code, 1860.
2. Case of the prosecution is that on 24.08.2020 at about 21:30 P.M, present applicant alongwith one Raju Banjare obstructed the way of complainant near Khursenga turn and snatched one Mobile, Silver ring and cash of Rs.1,000/- from him. Incident was reported to concerned Police Station based upon which crime was registered against them.
3. Learned counsel for the applicant submits that present applicant is innocent and has been falsely implicated in this case. No article was seized from his possession. He is a young boy aged about 22 years and in jail since on 25.08.2020. There is no any criminal antecedent against him. Hence, he may be released on bail.

4. Learned counsel for the State opposes the bail application and submits that during the investigation on the basis of mobile location, Raju Banjare was arrested and, thereafter, present applicant. Mobile has been seized from the possession of Raju Bajare. He also submits that in Test Identification Parade, applicant has been identified by the complainant. However, he admits that there is no seizure of any incriminating article from the possession of present applicant. Hence, he is not entitled for grant of bail.
5. Heard learned counsel for both the parties.
6. Upon asking with regard to the criminal antecedents of present applicant, the learned State counsel after going through the material in the case diary submits that there is no such mention in the case diary.
7. Taking into consideration the age of present applicant, nature of allegation, the fact that no article has been seized from his possession, period of pre-trial detention, I am inclined to allow the bail application.
8. Accordingly, bail application is allowed. It is directed that the applicant shall be released on regular bail, on his furnishing a bail bond in the sum of Rs.10,000/- with surety in the like sum to the satisfaction of the Court on the conditions that-
 - a) He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
 - b) He shall not, in any manner, tamper with the prosecution witnesses.
 - c) If he is 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

Jamal/-