

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6912 of 2020**

Ishwar Prasad Sahu S/o Firat Ram Sahu Aged About 31 Years R/o Check Post Bhadra Para, Balco Nagar, Korba, District Korba Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh Through Station House Officer, Outpost CSEB, Police Station Kotwali, District Korba Chhattisgarh.

---- Non-applicant

For Applicant : Shri Pravin Kumar Tulsyan, Advocate
on behalf of Shri Anul Gulati, Advocate

For Non-applicant/State : Shri Ashish Tiwari, Govt. Advocate

Hon'ble Shri Justice Parth Prateem Sahu**Order on Board****14.12.2020**

1. This is first application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to applicant, who is in custody since 19.09.2020 in connection with Crime No.696 of 2020 registered at Outpost CSEB, P.S. Kotwali, District Korba, Chhattisgarh for commission of the offence punishable under Sections 395, 398, 342, 506, 144, 148, 149, 120-B, 327, 458, 411 r/w 34 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that in the intervening night of 13.08.2020 and 14.08.2020, about 8-10 persons who

have covered their face with cloth came to 2000 Mega Watt (K.P.T.S.) Plant where the complainant Tolakram was on duty as security guard. The said persons covered the face of the complainant tied his hand and legs with rope and thereafter looted his mobile and some articles lying in the premises of the power plant. First Information Report was lodged by Tolakram initially for the offence under Sections 457 and 380 of the Indian Penal code against unknown persons. On the basis of memorandum recorded by accused persons who have been arrested in another crime No.705 of 2020, the act of the present applicant has been shown that he has facilitated the co-accused persons in selling out the looted articles.

3. Shri Pravin Kumar Tulsyan, learned counsel for the applicant submits that the applicant has been arrested only on the ground that he has facilitated the co-accused persons in selling out the looted articles. There is no allegation against him of his presence and involvement at the time of committing dacoity in the alleged charge-sheet. He is in custody since 19.09.2020 and he has no criminal antecedent, hence, prayed that applicant may be enlarged on regular bail.
4. On the other hand, Shri Ashish Tiwari, learned State Counsel opposes the prayer for grant of bail and submits that co-accused persons have been arrested while they were

planning for committing dacoity on 17.08.2020. While recording their memorandum statement, they have named the present applicant of facilitating the co-accused persons in selling out the looted articles from the premises of the power plant. He further submits that mobile phone and some other articles have been seized from the possession of the present applicant.

5. At this stage, Shri Tulsyan learned counsel for the applicant submits that the mobile phone which has been snatched from possession of the guard was of Micromax company whereas the mobile phone which has been seized from the possession of the applicant is of his own and is of Oppo company.
6. I have heard learned counsel for the parties.
7. Taking into consideration overall facts and circumstances of the case, particularly, nature of allegation levelled against the applicant with regard to facilitating the co-accused persons in selling out the looted articles by co-accused and further that the applicant is in jail since 19.09.2020 and he has not having criminal past, without commenting anything on merits of the case, I am inclined to release applicant on regular bail.
8. Accordingly, the application is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.10,000/- (Rupees Ten

Thousand) with one surety in the like sum to the satisfaction of the trial Court concerned on the conditions that;

- a) He shall appear before the trial Court concerned regularly on each and every date unless exempted from appearance.
- b) He shall not, in any manner, tamper with the prosecution witnesses.
- c) If the applicant is 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