

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 7169 of 2020

1. Sheikh Rasid @ Rasid S/o Sheikh Sageer Aged About 23 Years.
2. Rohit Kumar Paswan @ Babbi S/o Pramod Paswan Aged About 18 Years.

Both are R/o. Sharda Para Bhairav Basti, Near Nanda Kirana, Camp-2 Bhilai, Police Station -Chhawani, Tahsil and District Durg, Chhattisgarh.

---- Applicants

Versus

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

--- Respondents

For Applicants	: Mr. Sanjay Kumar, Agrawal, Advocate.
For Respondent-state	: Mr. Ashish Tiwari, Advocate.

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

16/12/2020

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants, who have been arrested in connection with Crime No.393/2020, registered at Police Station – Supela, District – Durg, (C.G), for the offence under Sections 394 & 34 of the Indian Penal Code.
2. Case of the prosecution is that on 16.06.2020 when complainant was returning after closing his shop, crossing by-pass road for Premnagar Sikola Bhata at that relevant time two persons came from his back side on motorcycle and gave kick blow, due to which, he fell down and sustained injuries. After that those two persons have robbed Rs.780/- from him. FIR was lodged on 27.06.2020 and applicants were arrested on 27.06.2020. In Test Identification Parade, present applicants have been identified by the complainant.
3. Learned counsel for the applicants submits that applicants are innocent and have been falsely implicated in this case. Applicants have not committed any offence as alleged against them. FIR has been lodged against unknown persons, applicants have been also roped in two other crimes registered against unknown persons. TIP for all the three crimes have been held at the

same time on 04.07.2020 at 12:10 PM, which appears to be suspicious. He also submits that in two cases ie Crime No.392/2020 in MCRC No.6917 of 2020 and Crime No.394/2020 in MCRC No.7534 of 2020, applicants have been granted bail.

4. Learned counsel for the State opposes the bail application and submits that applicants are habitual offenders, two other criminal case of similar nature are also registered against them. Hence, they are not entitled for grant of bail.
5. Heard learned counsel for both the parties.
6. Considering the entirety of the facts and circumstance of the case, crimes registered against the applicants on 27.06.2020 are alleged to be committed on 12.06.2020 & 16.6.2020, applicants have been granted bail in other two crimes registered against them. FIR was lodged in this case is on 27.06.2020 for alleged commission of offence on 16.06.2020 without commenting on merits of the case, I am inclined to allow the bail application of applicants.
7. Accordingly, bail application is allowed. It is directed that the applicants shall be released on regular bail, on their furnishing bail bond in the sum of Rs.10,000/- each one with 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) They shall not, in any manner, tamper with the prosecution witnesses.
 - c) If they 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

Jamal/-