

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.7464 of 2020

Balram Sahu S/o Toran Lal Sahu, Aged About 41 Years R/o Village Bagrekasa, Tahsil Dongargarh, District Rajnandgaon Chhattisgarh

---- Applicant

Versus

The State Of Chhattisgarh Through Police Station Bortalab, Tahsil Dongargarh, District Rajnandgaon Chhattisgarh **---- Respondent**

For Applicant	:	Shri Samir Singh, Advocate
For Respondent/State	:	Smt. Hamida Siddiqui, Dy. G.A.

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

10/12/2020

Heard.

1. The applicant has been arrested in connection with Crime No.39 of 2020 registered at Police Station- Bortalab, District Rajnandgaon (CG) for the alleged commission of offence under Section 395, 120-B, 341/34 of IPC.
2. Case of the prosecution is that the applicant/co-accused looted one Nagesh Kumar and according to the prosecution, the applicant/co-accused looted cash of Rs.5,000/-, one golden chain and a car.
3. Learned counsel for the applicant would submit that investigation is complete, charge-sheet has been filed and only basis that involvement of the applicant is that he has been named as one of the co-accused in the memorandum statement. According to learned counsel for the applicant, such mentioning of name in the memorandum statement has no evidentiary value and it is not admissible in evidence. He would submit that except this, neither there is any evidence nor is there any confessional statement of any co-accused so as to involve him therefore, present is a case of no evidence against the applicant. He would further submit that the applicant is in jail since 01.09.2020, investigation is complete and charge-sheet has been filed. Therefore, the applicant may be granted bail.

4. On the other hand, learned State counsel opposes and submits that from the material contained in the charge-sheet, in the memorandum statement of one of the co-accused, present applicant has also been named as one of the co-accused in the alleged commission of offence.
5. Considering the submission of learned counsel for the parties, particularly taking into consideration the submission of learned counsel for the applicant that except he being named in the memorandum statement of one of the co-accused and further taking into consideration that except this, there is no other incriminating evidence collected against the present applicant though charge sheet has been filed, investigation is complete, therefore, in these circumstances, the application is allowed.
6. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the concerned trial Court with following further conditions:
 - (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge