

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 273 of 2021**

- Ratan Lakra, S/o Buli Lakra, aged about 32 Years, R/o Chitamada, Talagaon, Kilkilla Raigarh, Chhattisgarh.

---- Petitioner

Versus

- State of Chhattisgarh, Through Station House Officer Police Station Udaypur, District Surguja, Chhattisgarh.

---- Respondent

For Applicant
For State

Shri Awadh Tripathi, Advocate.
Shri Sudhir Sahu, P.L.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

18/02/2021

1. The applicant has preferred this application under Section 439 of Cr.P.C. as he is in jail since 18.07.2020 in connection with Crime No.88/2020 registered at Police Station Udaypur, District Surguja, C.G. for the offence punishable under Sections 392, 342, 34, 398 & 450 of Indian Penal Code and under Section 25 & 27 of the Arms Act.
2. Case of the prosecution, in brief, is that on 14.07.2020, the informant/complainant Ram Singh lodged a report alleging in it that on 13.07.2020 at about 7:40 pm, three unknown persons, out of which two had covered their face with handkerchief, came to his shop and on the gun point looted Rs.40,000/-, two mobile phones with sim-cards from the shop of the informant/complainant and fled

from there. During investigation, statements of the informant/complainant and the witnesses were recorded and the accused persons were apprehended. On the memorandum of the accused persons, they admitted commission of the offence. From the present applicant, one country made pistol, cartridges, Rs.10,000/- and the motorcycle used in commission of the offence were seized. Likewise, from the co-accused Salinder Ekka, one country made pistol, cartridges, mobile phone, Rs.1,000/- cash and one motorcycle and from co-accused Deva @ Dilip one mobile and cash Rs.2,000/- were seized.

3. Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He submits that the seizure that has been made from the applicant does not lead to his connection with the offence committed, applicant is in jail since 18.07.2020, conclusion of trial is likely to take some time and that co-accused namely Salinder Ekka in this case has already been granted regular bail by the co-ordinate Bench of this Court vide order dated 07.10.2020 passed in MCRC No.5505 of 2020 and, therefore, the applicant be released on bail on the ground of parity.
4. On the other hand, learned counsel for the State opposes the bail application. However, he submits that the applicant has only one criminal antecedent of the year 2008.
5. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the detention period of the

applicant, charge sheet has already been filed, there is only criminal antecedent of the applicant of the year 2008 as admitted by counsel for the parties, the fact that co-accused namely Salinder Ekka in this case has already been granted regular bail by the co-ordinate Bench of this Court, in particular the fact that there is no likelihood of the applicant tampering with the evidence or absconding as admitted by both the counsel and that conclusion of trial may take some time, without expressing any opinion on the merits of the case, this Court is of the opinion that present is a fit case for grant of bail to the applicant. Accordingly, the application is allowed. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, he shall be released on bail on the following conditions:-

- (i) he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court,
- (ii) he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
- (iv) he shall not involve himself in any offence of similar nature in future.

Sd/-
Gautam Chourdiya
Judge