

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
M.Cr.C. No.605 of 2021

1. Tirith @ Amit Kumar Patel S/o Ganesh Ram Patel, Aged About 28 Years, Caste -Patel.
2. Sushil Kumar Sahu S/o Late Puniram Sahu, Aged About 30 Years, Caste -Sahu.
3. Manish Kumar Sahu S/o Sundar Lal Sahu, Aged About 27 Years, Caste-Sahu. All are R/o : village -Bodsara, Chowki Naila, Tahsil -Janjgir, District -Janjgir Champa, Chhattisgarh.

---- Applicants.

Versus

State of Chhattisgarh Through District Magistrate, Janjgir, District -Janjgir Champa, Chhattisgarh.

--- Respondents

For Applicants	: Mr. Sourabh Sahu, Advocate.
For Respondent/State	: Mr. Siddharth Dubey, DGA.

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

03/03/2021

Heard.

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to applicants, who have been arrested in connection with Crime No.508/2020, registered at Police Station -Janjgir, District -Janjgir Champa, (CG), for the offence under Sections 341, 294, 323, 392 & 34 of the Indian Penal Code.
2. Case of the prosecution is that on 25.11.2020 at about 07:00 PM when Vijay Kumar Patel and Pankaj Kumar Patel were returning to their village from village -Boadsara on motorcycle, on the way near wine shop of Baodsara, some persons stopped their motorcycle and one of them has slapped Pankaj Patel, who was driving motorcycle, due to which complainant Vijay Patel and Pankaj Patel fell down. Applicants alongwith other persons have assaulted them with hands and feets, snatched

mobile and cash of Rs.15,800/- from possession of Vijay Patel. Incident was reported to concerned police station based upon which crime was registered against present applicants.

3. Learned counsel for the applicants submits that applicants have been falsely implicated in this case. Complainant (Vijay Patel) and other injured Pankaj Patel did not identified the accused persons, complainant filed affidavit to this effect before Court below, which is filed in this bail application along-with an application for taking additional documents on record. Vijay Patel and Pankaj Patel have been examined before the Trial Court and they turned hostile. He will file the copy of evidence of Vijay Patel during the course of day.
4. Learned counsel for the State opposes the submissions made by learned counsel for the applicants and submits that as per complaint made by Vijay Patel, during course of investigation Redme Mobile which is stated to be looted from Vijay Patel, has been recovered from possession of applicant No.1. He further submits that copy of evidence on which learned counsel for the applicant is relying is not on record, hence, involvement of applicants is prima facie evident, therefore, they are not entitled for grant of bail.
5. Heard learned counsel for the parties.
6. Considering the entire facts and circumstances of the case, nature of allegations, the fact that Vijay Patel and Pankaj Patel have filed an affidavit before the Court below that applicants are not known to complainant and they have taken their names before the police based on information gathered from other persons. In evidence, which is placed before this Court, complainant Vijay Patel has very specifically stated that he do not recognize the applicants. Further considering the period of

detention of applicants since 26.11.2020, without commenting anything on merits of the case, I am inclined to allow bail application.

7. Accordingly, bail application is allowed. It is directed that applicants shall be released on regular bail, on their furnishing bail bond in sum of Rs.10,000/- with one surety each in the like sum to the satisfaction of the Court on the conditions that-

a) Applicants 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/-