

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 767 of 2021**

Gopesh Kumar S/o Sunil Kumar Aged About 24 Years R/o Village - Pavani Tehsil - Bilaigarh And District - Balodabazar - Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant

**Versus**

State Of Chhattisgarh Through - Police Station Bilaigarh, District - Balodabazar - Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Respondent

---

|               |   |                                |
|---------------|---|--------------------------------|
| For Applicant | : | Shri Ashutosh Shukla, Advocate |
| For State     | : | Shri Mateen Siddiqui, Dy.A.G.  |

---

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

**Order On Board**

**16/07/2021**

Heard.

1. The applicant is arrested in connection with Crime No.164/2020 registered in Police Station -Bilaigarh, District- Balodabazar- Bhatapara (CG) for alleged commission of offence under Sections 341, 394/34 IPC.
2. This is the second bail application of the applicant. His first bail application was dismissed as withdrawn on 5.11.2020 with liberty to revive.
3. Case of the prosecution, in brief, is that the applicant and co-accused obstructed the vehicle, assaulted the traveller and driver and looted Rs.15,000/-.
4. Learned counsel for the applicant would argue that the applicant has been falsely implicated. He has not committed alleged commission of offence. He is in jail since 17.8.2020 and till date, trial has not been concluded. Therefore,

at this stage, the applicant may be granted bail on appropriate terms and conditions.

5. On the other hand, learned counsel for the State opposed the bail application by submitting that the applicant has been arrested on the allegation of having obstructed the vehicle, assaulting the traveller and driver and looting Rs.15,000/- . The applicant has also been identified in the case.
6. Taking into consideration the submissions made by learned counsel for the respective parties, particularly taking into consideration nature of allegation and the amount alleged to be looted and that the applicant is in jail since 17.8.2020, trial has not been concluded till date and further that no material has been placed to show that the applicant is a habitual offender, I am inclined to allow the application.
7. The application is accordingly allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.20,000/- along with two local sureties for the like amount to the satisfaction of the concerned trial Court, with following further conditions that:-
  - (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