

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 735 of 2021

1. Prem @ Ankit Goyal, S/o Shri Sikandar Goyal, aged about 18 Years, R/o Shivaji Marg Tikrapara, Tehsil and District Bilaspur, Chhattisgarh.
2. Suresh Rao @ Raghvendra Rao, S/o K. Shri Nivasrao, aged about 23 Years, R/o Devrikhurd Gramin Bank, Police Station Torwa, District Bilaspur, Chhattisgarh.

----Applicants

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station Civil Lines, District Bilaspur, Chhattisgarh.

---- Non-applicant

For Applicants	Shri Shashank Thakur, Advocate.
For State	Shri B.L. Sahu, P.L.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

09/03/2021

1. The applicants have preferred this first bail application under Section 439 of Cr.P.C. for grant of bail as they have been arrested in connection with Crime No. 35/2021 registered at Police Station Civil Lines, District Bilaspur, C.G. for the offence punishable under Sections 394 & 294 of Indian Penal code.
2. Case of the prosecution, in brief, is that on 06.01.2021 at about 7:30 pm near old bus stand, complainant was drinking tea, at that time two-three boys came there, stopped their motorcycle in front of complainant, started abusing filthily and also assaulted him by hands and fists. One of the boys caught the complainant from

behind and another boy snatched his purse from his pocket and took Rs.1,600/- and the necessary documents. On report to the above effect being lodged by the complainant, offence under the aforesaid sections were registered against the applicants.

3. Learned counsel for the applicants submits that applicants are innocent persons and have been falsely implicated in this case. He submits that the applicants are in jail since 06.01.2021, charge sheet has already been filed, nothing is required to be seized from the applicants and conclusion of trial is likely to take some time. He further submits that applicants have no criminal antecedents. Therefore, the applicants be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application. However, he submits that the applicants have no criminal antecedents.
5. Heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the detention period of the applicants, who are 18 years & 23 years of age, the fact that charge sheet has already been filed, in particular the fact that the applicants have no criminal antecedents, they are the first offender and there is no likelihood of the applicants tampering with the evidence or absconding as admitted by both the counsels and that conclusion of trial may take some time, without expressing any opinion on merits of the case, this Court is of the opinion that present is a fit case for grant of bail to the applicants. Accordingly, the application is allowed. It is directed that in the event of each of the applicants executing a personal bond for a sum of

Rs.1,00,000/- with two sureties of Rs.50,000/- each to the satisfaction of the concerned trial Court, they shall be released on bail on the following conditions:-

- (i) they 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) they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.
- (iv) they shall not involve themselves in any offence of similar nature in future.

Sd/-
Gautam Chourdiya
Judge

Akhilesh