

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Order Sheet****Proceedings through Video Conferencing****Misc. Criminal Case No.1358 of 2021**

1. Lokesh Sahu S/o Sumanth Sahu Aged About 19 Years R/o Village Rasmada P.S. Pulgaon Tehsil And District Durg Chhattisgarh.
2. Harsh Yadav S/o Barmu Yadav Aged About 19 Years R/o Village Rasmada P.S. Pulgaon Tehsil And District Durg Chhattisgarh.
3. Tikesh Yadav S/o Jeevan Yadav Aged About 18 Years R/o Village Rasmada P.S. Pulgaon Tehsil And District Durg Chhattisgarh.

---- Applicants**Versus**

- State Of Chhattisgarh Through Station House Officer Pulgaon District Durg Chhattisgarh.

---- Respondent

 For Applicants : Shri Vivek Sharma, Advocate
 For respondent/State : Shri Krishna Kant Banjare, Panel Lawyer

Hon'ble Shri Justice NK Chandravanshi**Order On Board****12.5.2021.**

1. This is first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicants, who have been arrested on 06.01.2021 in connection with Crime No.19/2021 registered at Police Station Pulgaon Distt. Durg (C.G.), for the offence punishable under Section 395 of the Indian Penal Code.

2. Case of the prosecution, in brief, is that, on 06.01.2021 when complainant Mahesh Kumawat was returning to his working place after purchasing vegetables from the market, 6-7 village boys stopped him on the way near Bazar Chowk, assaulted him and

looted his purse, SBI ATM Card, Aadhar Card, Rs. 10,000/- cash and one Samsung mobile set costing Rs.7,000/- from him and ran away from the spot. The complainant lodged a report in police station in this regard and on the basis of memorandum of one Arvind Sharma, present applicants were arrested.

3. Learned counsel for the applicants submits that the applicants have been falsely implicated in the crime in question. No identification parade was conducted to identify the accused persons and merely on the basis of memorandum statement of one Arvind Sharma, present applicants have been arrested. He further submits that the applicants are young boys of 18-19 years, they are in jail since 06.01.2021, they will not abscond if bail is granted, charge sheet has already been filed, therefore, present applicants may be enlarged on bail.

4. On the contrary, learned State counsel opposes the application for grant of bail.

5. Looking to the facts and circumstances of the case, nature and gravity of offence, period of detention and also considering the fact that the trial will take some more time for its conclusion, and as per submission of applicant's counsel charge sheet has been filed, without further commenting on merits of the case, I am inclined to release the applicants on bail.

6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicants shall be released on bail on each of them furnishing a personal bond in sum of Rs. 10,000/- with one local surety each in the like amount to the

satisfaction of the concerned trial Court. They shall appear before the trial court regularly on each and every date as per direction of the court, unless exempted from appearance.

7. In view of the above, IA No.01/2021 for hearing the matter during lockdown period and IA No.02/2021 for hearing the case during summer vacation stand disposed of.

Certified copy as per rules.

Sd/-

(NK Chandravanshi)
VACATION JUDGE