

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.1226 of 2021**

- Golu Alias Ganesh Bharti And Another Son Of Kariya Bharti Aged About 25 Years Resident Of Bhaisa Pasra, Balodabazar, Thana- City Kotwali, Balodabazar, District Balodabazar Bhatapara (Chhattisgarh), District : Balodabazar-Bhathapara, Chhattisgarh
- Kabir Bharti S/o Gopal Bharti Aged About 22 Years Resident Of Bhaisa Pasra, Balodabazar, Thana- City Kotwali, Balodabazar, District Balodabazar Bhatapara (Chhattisgarh), District : Balodabazar-Bhathapara, Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh Through The Station House In-Charge, Police Station City Kotwali, District Balodabazar-Bhatapara (Chhattisgarh), District : Balodabazar-Bhathapara, Chhattisgarh

---- Respondent

For Applicants : Ms. Supriya Upasane, Advocate
 For Respondent/State: Ms. Veena Nair, Dy.AG

Single Bench: Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****02/06/2021**

Heard.

1. The applicants have moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.588/2020 registered at Police Station City Kotwali, Balodabazar-Bhatapara for the offence punishable under Section 294, 394, 506, 323 of the IPC. The applicants were arrested on 16-09-2020.
2. This is a repeat application. Earlier bail application was dismissed as withdrawn with liberty to apply again.
3. Case of the prosecution is that the applicant and co-accused robbed and looted mobile phone and cash from the victim.
4. Learned counsel for the applicants would submit that the applicants have been falsely implicated in this case and they are not involved in the alleged offence. Learned counsel for the applicants would further submit that the applicants are in jail since 16-09-2020 and two most important prosecution

witnesses namely the victim and eye witness i.e. Prabhjot Singh, PW-1 and Manoj Dhruw, PW-2 have been examined and they have not involved the present applicants in the alleged commission of offence, therefore, recovery becomes irrelevant as against the applicants. He lastly submits that at this stage, when the applicants are in jail since 16-09-2020 and crucial prosecution witnesses have already been examined and the applicants have not been involved and that the applicants are not likely to abscond, the applicants may be granted bail.

5. On the other hand, learned State counsel opposes the bail application by submitting that the trial has not been completed yet and many other prosecution witnesses are yet to be examined. She would further submit that from the possession of accused Golu @ Ganesh Bharti, a bamboo stick, alleged to have been used for assaulting has been seized and from other accused-Kabir Bharti, looted mobile and cash of Rs.10,000/- have been recovered, which prima facie involve the applicants in the alleged offence.

6. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the period of pre-trial detention of the applicants and further taking into consideration that the victim and eye-witness i.e. Prabhjot Singh, PW-1 and Manoj Dhruw, PW-2 have been examined and they have not involved the present applicants in the alleged commission of offence and without further commenting upon the merits of the case, at this stage, I am inclined to enlarge the applicants on bail.

7. Accordingly, the bail application(M.Cr.C.No.1226 of 2021) is allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with two local surety for the like amount to the satisfaction of the Trial Court on the condition that they shall appear before the trial Court regularly on each and every date, unless exempted from appearance and they shall not make any attempt to tamper the prosecution witnesses.

Certified copy as per rules.

SD/-
(**Manindra Mohan Shrivastava**)
Vacation Judge