

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1561 of 2021**

- Jai Prakash Dubey, S/o Raj Kumar Dubey, Aged About 40 Years, R/o. Ward No. 14, Loharanaka, Kawardha, P.S. And Tehsil - Kawardha, District- Kawardha, Chhattisgarh

---- Applicant (In jail)**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station - Singhanpuri, District- Kabirdham (Chhattisgarh)

---- Respondent

For Applicant	: Shri Sidharth Shukla, Advocate
For Respondent/State	: Ms Anjali Chauhan, Panel Lawyer

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board
(Proceeding through Video Conferencing)

07.07.2021

1. Applicant has preferred this application under Section 439 of CrPC for grant of regular bail as he was arrested in connection with Crime No.12 of 2020 registered at Police Station- Singhanpuri, District Kabirdham (Kawardha) Chhattisgarh for the offences punishable under Sections 341, 392/34 of IPC.
2. Case of the prosecution, in brief, is that on 18.03.2020 complainant Parasram withdrew Rs.49,000/- from Central Co-operative Bank, Silhati and returning to his house at about 1.30 pm. When he reached at Canal near village Bhadutola, at that relevant time, two persons came on Pulsar Motorcycle and looted cash of Rs.49,000/- from his possession and ran away. Complainant followed them up to some distance and thereafter, lodged FIR in concerned Police Station against unknown persons, based upon which crime was registered against unknown persons. On 22.01.2021 complainant was called by the Police to Police Station Lohara, where he identified those two persons and they were arrested in the instant crime.

3. Shri Sidharth Shukla, learned counsel for the applicant submits that FIR was lodged against unknown persons on 18.03.2020. After lapse of about nine months, applicant was arrested in another crime, registered in Police Station Lohara on 22.01.2021. On the day, Police called the complainant to Police Station Lohara and interrogated the applicant in front of Complainant, where allegedly applicant has accepted his guilt of commission of offence on 18.03.2020. To support his submission, he read over the statement of complainant recorded under Section 161 of CrPC. He submits that manner of identification of present applicant by the complainant is not admissible under the law. There is no material against the applicant except the so-called identification parade. He further submits that applicant is in jail since 22.01.2021, offences are triable by the Magistrate and the trial may take some time. In these circumstances, he prays that the applicant may be enlarged on bail.

4. Ms Anjali Chauhan, learned State counsel opposing the submissions of learned counsel for the applicant, submits that complainant has identified the present applicant, hence the applicant is not entitled for grant of bail.

5. I have heard learned counsel for the parties.

6. Taking into consideration nature of allegations, facts of the case, place where applicant was arrested in instant crime after his arrest in another crime and manner of identification of present applicant as stated by the complainant in his statement recorded under Section 161 of CrPC; the applicant is in jail since 22.01.2021; the offences are triable by the

Magistrate, which may take some time, without commenting anything on merits of the case, I am inclined to enlarge the applicant on bail.

7. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on regular bail upon his furnishing personal bond in the sum of Rs.25,000/- (Rupees twenty-five thousand) with one local surety in the like sum to the satisfaction of the concerned Court on the condition that:

- a) Applicant shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
- b) Applicant shall not in any manner, tamper with the prosecution witnesses.
- c) If the applicant is found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE

padma