

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2035 of 2021**

Krishna s/o. Nanki Nishad (father's name completely not mentioned in order dated 2-3-2021), aged about 20 years, r/o. Devrikhurd, PS Torwa, District Bilaspur (CG).
---- Applicant

Versus

- State of Chhattisgarh through Police Station, Station House Officer, Sarkanda, Chhattisgarh
---- Non-applicant

For Applicants : Mr. Devarshi Thakur, Advocate.

For State : Mr. Adil Minhaj, Dy. Govt. Advocate

Hon'ble Shri Justice Narendra Kumar Vyas**Order on Board****28-05-2021**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail as he is in jail since 9-11-2020 in connection with Crime No. 806 of 2020 registered at Police Station Sarkanda, District Bilaspur for offence punishable under Section 394/34 of IPC.
2. Allegation against the present applicant by the complainant Ashok Kumar Ghosh is that on 24-8-2020 at about 1.20 am when he was returning home from duty, on the way applicant along with other co-accused persons stopped him and assaulted upon him by stone as a result of which he became unconscious and fell down. Thereafter, he along with other accused persons looted

his motor-cycle, purse and mobile phone, thereby the aforesaid offence has been committed.

3. Learned counsel for the applicants submits that the applicant has been falsely implicated in this case. He would further submit that the seizure that has been made from the applicant does not lead to his connection with the offence committed. The applicant is in jail since 9-11-2020, charge sheet has already been filed and conclusion of the trial is likely to take some time. He would further submit that the case of the present applicant is similar to the case of other co-accused persons who have been granted bail by co-ordinate Bench of this court vide order dated 10-3-2021 passed in M.Cr.C.Nos. 9156 of 2020, 1460 of 2021 & 1534 of 2021, therefore, present applicant may also be granted bail on the same ground.
4. On the other hand, learned counsel for the State though opposes the bail application but does not dispute the fact that the other co-accused persons have already been granted bail by co-ordinate Bench of this Court.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the fact that initially crime was registered against the applicant under Section 279, 336, 379 of IPC but subsequently in place thereof offence under Section 394/34 of IPC was registered against him, the

detention period of the applicant who is 20 years of age, charge sheet has already been filed and there is no apprehension of the applicant tampering with the evidence of absconding and that conclusion of trial may take some time and further considering the fact that the other co-accused persons have already been granted bail by co-ordinate Bench of this court, without commenting anything on merits of the case, I am of the opinion that it is a fit case to grant bail to the applicant.

7. Accordingly, the application is allowed and it is directed that the applicant shall be released on bail on his furnishing 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. He shall appear before the trial Court on each and every date given by the said trial court, till disposal of the trial. The applicant is being granted bail on the following conditions:

- i. he 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. he shall not act in any manner which will be prejudicial to fair and expeditious trial,
- iii. he shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial, and
- iv. he shall not involve himself in any offence of similar nature in future or else this order granting bail to the applicants shall automatically stand cancelled without further reference to this court.

In view of the above. I.A.No. 1 of 2021, application for urgent

hearing and I.A.No.2 of 202, application for hearing during summer vacation also stand disposed of.

Sd/-

(Narendra Kumar Vyas)
Vacation Judge

Raju