

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2205 of 2021

- Tilak @ Dhanna Sonwani S/o Krishna Sonwani Aged About 23 Years
- Anesh @ Bhandari Kurre S/o Cokhelal Kurre Aged About 25 Years
- Laxmikant @ Golu Garg S/o Pradeep Garg Aged About 23 Years

All are R/o Village Sonpuri, Police Station City Kotwali, Balodabazar, District Balodabazar Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer Police Station City Kotwali Balodabazar, District Balodabazar Chhattisgarh., District : Balodabazar Chhattisgarh

---Respondent

For Applicant – Ms. Deblina Maity, Advocate.

For Respondent/State – Shri Ashish Tiwari, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

26/07/2021

Heard.

1. This is the First Bail Application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested on 09.03.2021 in connection with Crime No. 569/2020 registered at Police Station- City Kotwali, Dist Balodabazar, C.G. for the offence punishable under Sections 427, 294, 323, 506/34, 394, 325 of I.P.C.
2. As per the prosecution case, on 01.09.2020 a report was made by

Brij Mohan that the present applicant with the others came and ask for cash and mobile and having refused he was assaulted and looted RS. 17,500/-.

3. Learned counsel for the applicants submits that the applicants have not been identified and only on the basis of memorandum and recovery of one mobile, they have been arrested, therefore the applicants may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail. On specific query having been made whether the mobile which has been seized from Anesh Kurre (applicant No. 2) belong to the complainant or not no satisfactory answer could be given. Further query being made that whether the identification has been carried out or not, State counsel was unable to state anything.
5. Considering the fact that identification of the applicants have not been done and there name also does not appear in the FIR, therefore, I am inclined to release the applicants on bail.
6. Accordingly, the bail application is allowed and the applicants are directed to be released on bail on their executing a personal bond in sum of Rs.25,000/- each with one surety each in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given by the said Court.

Sd/-
(Goutam Bhaduri)
Judge