

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
M.Cr.C No.315 of 2021

Kuberchand S/o Panchram, Aged About 20 Years, R/o: Ramhepur, Ward No.14, Tahsil -Lormi, Police Station -Lormi, District -Mungeli, Chhattisgarh.

---- Applicant.

Versus

State of Chhattisgarh Through Police Station -Lormi, District -Mungeli, Chhattisgarh.

---- Respondent

M.Cr.C No. 2418 of 2021

Mahaveer Sarthi S/o Kumar Sarthi, Aged About 19 Years, R/o :Ramhepur, Ward No. 15, Tahsil -Lormi, Police Station -Lormi, District -Mungeli, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh Through Police Station -Lormi, District -Mungeli Chhattisgarh.

---- Respondent

For Applicants	: Mr.Hemant Kesharwani, Advocate.
For Respondent-state	: Mr. Sudeep Agrawal, Dy. AG.

(Proceedings through video conferencing)
Hon'ble Shri Parth Prateem Sahu, J
Order on Board

18/06/2021

1. Learned counsel for the applicant seeks permission of this Court to withdraw **M.Cr.C. No.315 of 2021**, at this stage.
2. As prayed, **M.Cr.C. No.315 of 2021** stands dismissed as withdrawn.
3. **M.Cr.C. No.2418 of 2021** has been preferred by applicant for grant of regular bail as he has been arrested in connection with Crime No.652/2020, registered at Police Station –Lormi, District -Mungeli, (C.G), for commission of the offence punishable under Sections 395, 34 of the Indian Penal Code, 1860.
4. Case of the prosecution, in-brief, is that on 17.12.2020 at about 11:15 PM, after taking meals at Chhotu Dhaba complainant was returning to his house on motorcycle bearing registration No.CG-28-B-9376. On the way,

some unknown persons stopped him and looted his motorcycle. Thereafter, he came to his house walking. Since the key of his room was with the key of motorcycle, he sat outside of his room on the platform. 5-6 unknown persons came there, threatened him, snatched his Oppo-Mobile and looted Rs.18,000/-. When complainant screamed, his neighbour (Narendra Rajput) came out from his house, upon seeing him, unknown persons ran away from there.

5. Learned counsel for the applicant submits that applicant has been falsely implicated in this case, he was not identified by the complainant during the Test Identification Parade. Looted articles have not been seized from the possession of applicant. He is in jail since 19.12.2020. Hence, he may be released on bail.
6. On the other hand, learned State Counsel opposes the submissions made by learned counsel for the applicant. However, on putting specific query with regard to the nature of seizure, test identification and criminal antecedents, he submits that no any articles have been seized from the possession of present applicant and he was not identified by the complainant during the Test Identification Parade. As per case diary, there is no mention of criminal antecedent against present applicant.
7. Heard learned counsel for both the parties.
8. Taking into consideration the facts and circumstances of the case, nature of allegations levelled against the applicant, period of detention and further considering the fact that any article as alleged to be looted from complainant has not been seized from the possession of applicant, he has not been identified by the complainant during the Test Identification Parade and there is no criminal antecedent against the applicant, without commenting anything on the merits of the case, I am inclined to enlarge

the applicant Mahaveer Sarthi on bail.

9. Accordingly, bail application (**M.Cr.C No. 2418 of 2021**) is allowed. It is directed that the applicant shall be released on regular bail, on his furnishing a bail bond in the sum of Rs.25,000/- with surety in the like sum to the satisfaction of the Court on the conditions that-

a) He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.

b) He shall not, in any manner, tamper with the prosecution witnesses.

c) If he is found involved in similar offence in the future, it will be open for the State to apply for cancellation of Bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)

Judge

Jamal/-