

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 6602 of 2021**

Vinay Dhruv, S/o Rajkumar, aged about 20 years, resident of near – Railway
Patwari Devbaloda, P.S. - Bhilai-3, Tehsil and District Durg (C.G.)

---- Applicant/Accused

Versus

State of Chhattisgarh, Through the District Magistrate, Durg (C.G.)

----Respondent

For Applicant	:	Ms. Priya Sharma, Advocate.
For Non-applicant	:	Mr. B.P. Banjare, Dy. Govt. Advocate.

Hon'ble Shri Justice N.K. Chandravanshi

Order On Board

11.11.2021

(1) The applicant/accused has preferred this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail in connection with Crime No. 175/2021 registered at police Station Old Bhilai, District Durg for commission of offence punishable under Sections 394 & 397 of the Indian Penal Code.

(2) Case of the prosecution, in brief, is that on 5.6.2021 at about 10 P.M. when complainant was coming back from village Ghughwa to his village, then on the way accused persons stopped his motorcycle and committed *marpeet* with him with hand & fist and also injured him with knife and looted his motorcycle, mobile phone and cash of Rs. 5,000/- and thereby committed the aforesaid offences.

(3) Counsel for the applicant would submit that applicant is innocent person and he has been falsely implicated in the alleged crime, as there is no proof of his involvement in the crime in question. She would further submit that one of the co-accused person has already been granted bail by the trial Court. She would next submit that four witnesses including complainant have been examined before the trial

Court but the complainant himself has been declared hostile by the prosecution as he has not supported the case of the prosecution whereas seizure & memorandum witnesses have also been declared hostile by the prosecution as they have not supported the case of the prosecution. Lastly, she would submit that the applicant is in detention since 10.06.2021; charge sheet has already been filed and conclusion of the trial will likely to take time, therefore, the applicant may be released on bail.

(4) Per contra, counsel for the State opposes the submissions made by counsel for the applicant stating that it is case of robbery and the trial is going on. Hence, bail may not be granted to the applicant.

(5) Considered the submissions made by counsel for the parties.

(6) Considering the facts & circumstances of the case, particularly, detention period of the applicant and the statements of the complainant & other witnesses recorded before the trial Court, in which, they have been declared hostile by the prosecution and totality of the facts of the case, I am of the view that it is a fit case to release the applicant on bail. Accordingly, the bail application is allowed.

(7) Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy, as per rules.

Sd/-
(N.K. Chandravanshi)
Judge

D/-

