

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6249 of 2021**

- Milangiri Goswami S/o Tejgiri Goswami Aged About 30 Years R/o R.E.S. Colony, Chamara, District Uttar Bastar Kanker Chhattisgarh.

---- Applicant**Versus**

- The State Of Chhattisgarh Through Police Station Kanker, District Uttar Bastar Kanker Chhattisgarh.

---- Respondent

 For Applicant : Shri Parag Kotehca, Advocate
 For respondent/State : Shri Anil Tripathi, Panel Lawyer

Hon'ble Shri Justice N.K. Chandravanshi**Order On Board****23.11.2021.**

1. This is first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested on 01.7.2021 in connection with Crime No.149/2021 registered at Police Station Kanker Distt. Uttar Basater Kanker (C.G.), for the offence punishable under Sections 392 & 34 of the Indian Penal Code, 1860 (for short 'IPC').

2. Brief facts of the case are that on 28.6.2021 at about 9.30 pm, complainant Harish Kumar Kavde was returning from Kaner to his village Dhourabhata in his motor cycle and when he reached near village Saraitola, he stopped his motor cycle to attend the call of nature, at that time, three unknown persons in a motor cycle bearing registration No.CG 07 BX 2840 came there and robbed Rs.2,000/- cash, Aadhar card, ATM card and identity card from the complainant. Based on these facts, present crime was registered

against unknown persons. During investigation, based on memorandum of the applicant and other co-accused persons, seizure was made from the applicant.

3. Learned counsel for the applicant submits that the applicant is innocent, he has not committed the alleged crime, FIR was registered against unknown persons, memorandum and seizure have been falsely made. He would further submit that the police has arrayed the applicant and other co-accused persons in many cases of such type where the accused persons are unknown. He would next submit that the applicant is in jail since 01.7.2021, charge sheet has been filed under Sections 392 & 34 IPC, co-accused persons have already been granted bail by the trial Court and the offence is triable by Judicial Magistrate First Class, hence, the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State while opposing the bail application submits that five cases have been registered against the applicant which shows that he is an habitual offender, hence, he may not be granted bail.

5. I have heard learned counsel for the parties, perused the case diary and the material available on record.

6. Considering the facts and circumstances of the case, nature and gravity of offence, detention period of the applicant and also taking into consideration that charge sheet has been filed and co-accused persons have already been granted bail, I feel inclined to allow the bail application. Therefore, the application under Section 439 of the CrPC is allowed. It is ordered that if applicant furnishes

one solvent surety for a sum of Rs.25,000/- along with one personal bond of the like sum to the satisfaction of the trial Court concerned for his appearance before the concerned Court as and when directed by the said Court, he be released on bail.

Certified copy as per rules.

Sd/-
(N.K. Chandravanshi)
JUDGE

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