

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 6659 of 2021**

1. Rajkumar Yadav S/o Janak Yadav Aged About 29 Years R/o Village Girvar Police Station Gaurela, Tahsil Pendra Road, District Gaurela-Pendra-Marwahi Chhattisgarh
2. Rahul Rathore S/o Suraj Rathore Aged About 19 Years R/o Village Girvar Police Station Gaurela, Tahsil Pendra Road, District Gaurela District Gaurela-Pendra-Marwahi Chhattisgarh
3. Abhishek Rathore S/o Ramlal Rathore Aged About 21 Years R/o Village Girvar Police Station Gaurela, Tahsil Pendra Road, District Gaurela District Gaurela-Pendra-Marwahi Chhattisgarh

---- Applicants**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Gaurela, District Gaurela-Pendra-Marwahi Chhattisgarh

---- Respondent

 For Applicants : Shri Ashok Soni, Advocate
 For respondent/State : Shri Vimlesh Bajpai, Govt. Advocate

Hon'ble Shri Justice N.K. Chandravanshi**Order On Board****09.11.2021.**

1. This is first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicants, who have been arrested on 12.8.2021 in connection with Crime No.282/2021 registered at Police Station Gaurela, Distt. Gaurela Penda Marwahi (C.G.), for the offence punishable under Sections 341, 294, 506, 323, 384 & 34 of the Indian Penal Code, 1860 (for short 'IPC').

2. Brief facts of the case are that on 26.7.2021 complainant Kamal Prasad Yadav was going to Tirupati Balaji Rice Mill at about 7.00 pm in a Mini Truck bearing registration No.CG 04 MM 9112, when he reached near Banchorka Devi temple at about 9.30 pm, three person came there in a motor cycle, stopped his truck, dragged him from his vehicle, snatched the key of the vehicle, looted Rs.19,000/- and one mobile phone from him and also assaulted him. Thereafter they fled away from the spot. Complaint Kamal Prasad Yadav lodged report in this regard and during investigation, the applicants were arrested and on the basis of memorandum, some amount were seized from them. After due investigation, charge sheet under Sections 341, 294, 506, 323, 384 & 34 IPC has been filed against the applicants.

3. Learned counsel for the applicants submits that the applicants have been falsely implicated in the present case, they have not committed the alleged crime and moreover FIR has been lodged against unknown persons. Present applicants were arrested in some other case in Police Station Gaurella, but the Police have arrayed them as accused in the present case also. He further submits that FIR has been lodged against the unknown persons, despite that without conducting the identification parade, the applicants have been named in the present case. They are in jail since 12.8.2021, charge sheet has already been filed, except offence under Section 384 IPC, all

other offences are bailable and triable by Judicial Magistrate First Class, hence, the applicants may be enlarged on bail.

4. On the other hand, learned counsel for the State while opposing the bail application submits that looking to the nature of the crime, bail should not be granted to the applicants.

5. I have heard learned counsel for both 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 applicants and considering that charge sheet has already been filed and also considering the totality of the case, I feel inclined to allow the bail application. Therefore, the application under Section 439 of the CrPC is allowed. It is ordered that if each of the applicants 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 their appearance before the concerned Court as and when directed by the said Court, they be released on bail.

Certified copy as per rules.

Sd/-

(N.K. Chandravanshi)
JUDGE