

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6558 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 (C.G.)
2. Rahul Rathore S/o Suraj Rathore Aged About 19 Years
R/o Village - Girvar, Police Station - Gaurela, Tahsil -
Pendra Road, District - Gaurela-Pendra-Marwahi (C.G.)
3. Abhishek Rathore S/o Ramlal Rathore Aged About 21
Years R/o Village - Girvar, Police Station - Gaurela, Tahsil
- Pendra Road, District - Gaurela-Pendra-Marwahi (C.G.)

---- Applicants**Versus**

- State Of Chhattisgarh Through - Station House Officer,
Police Station - Gaurela, District - Gaurela-Pendra-Marwahi
(C.G.)

---- 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.297/2021 registered at Police Station Gaurela, Distt. Gaurela Penda Marwahi (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 10.8.2021 complainant Purushottam Manjhi was going to Gaurela for purchasing iron rod, on the way when he reached near village Bartola Meduka at

about 1.00 pm, present applicants reached there in a motor cycle and looted Rs.20,000/- from him, thereafter they pushed him due to which he fell down on the road. On a report, being lodged by the complainant, present crime under Section 392, 34 IPC has been registered against the applicants and after completion of investigation, charge sheet under Section 392, 34 IPC was filed against the applicants which is pending before the trial Court.

3. Learned counsel for the applicants submits that the applicants have been falsely implicated in the present case and actual facts of the case is that the complainant had deposited Rs.20,000/- to applicant No.1 for supply of iron rods, but he could not supply the iron rods on time, hence, there was dispute between them in this regard, therefore, the applicant has lodged false complaint against the applicants. He further submits that charge sheet has been filed, in the deposition of the complainant recorded before the trial court, he has not supported the case of the prosecution and has been declared hostile. He further submits that applicants 2 & 3 are students and they are in jail since 12.8.2021, the trial will take considerable time for its conclusion, 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 it is a case of daylight robbery committed by the applicants, huge amount has been seized from them, the trial is still going on hence, the applicants are not entitled for grant of bail.

5. I have heard learned counsel for both parties, perused the case diary and the material available on record, particularly the certified copy of the deposition of the complainant.

6. Considering the facts and circumstances of the case, deposition of the complainant recorded before the trial Court, detention period of the applicants and 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