

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7380 of 2020**

- Kuldeep Singh Son Of Shri Najeer Singh Aged About 32 Years Resident Of Pandri Tarai Mandi Gate, In Front Of District Hospital, District Raipur (Chhattisgarh)

---- Applicant**Versus**

- State Of Chhattisgarh Through - Station House Officer, Police Station - Mandir Hasod, District - Raipur (Chhattisgarh)

---- Respondent**&****MCRC No. 9013 of 2020**

- Uttam Chakravarty S/o Shri Sameer Chakravarty Aged About 29 Years At Present Resident Of Near Lalmani Gas Godown, Gandhi Nagar, Pandri, Police Station Civil Line, Tahsil And District Raipur Chhattisgarh. Mobile No. 9826137847

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Mandir Hasaud, District Raipur Chhattisgarh

---- Respondent

For Applicants	:	Shri C.R.Sahu, Advocate
For State	:	Shri Aman Kesharwani, Panel Lawyer for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****21/01/2021**

Both the applications are being disposed off by this common order as they arise out of the same crime number.

1. The applicants have been arrested in connection with Crime No.193/2020 registered at Police Station – Mandir Hasaud, District – Raipur (C.G.) for alleged commission of offences under Section 395 of IPC.

2. It is alleged that in the night, a truck, which was under transportation, was stopped

and looted by present applicants and other co-accused persons.

3. Learned counsel for the applicants submits that as far as applicant – Kuldeep Singh is concerned, identification and recovery from the applicant - Kuldeep Singh are false and fabricated and only on suspicion, he has been arrested and case prepared against him. It is submitted that investigation is complete, charge sheet has been filed and as the applicant – Kuldeep is in jail since 16/06/2020, at this stage, he may be granted bail.

As far as applicant – Uttam Chakravarty is concerned, learned counsel would submit that though he was arrested on 16/06/2020, he has not been identified as one of the co-accused and no recovery has been made from his possession. Therefore, he has been falsely implicated.

4. On the other hand, learned State counsel submits that as far as applicant – Kuldeep Singh is concerned, *prima facie* case is made out against him as he was not only identified but recovery has also been made from his possession. As far as Uttam Chakravarty is concerned, though charge sheet has been filed, he has not been put to any identification parade nor any recovery has been made but his name has been mentioned. Therefore, *prima facie* case is made out.

5. Taking into consideration the submission of learned counsel for the parties, as far as applicant – Kuldeep Singh is concerned, his application is rejected.

As far as Uttam Chakravarty is concerned, as there is no test identification parade nor this applicant has been identified nor any recovery is said to be made out but only involved on the basis of memorandum of the co-accused and that investigation is complete, charge sheet has been filed, I am inclined to grant bail to applicant – Uttam Chakravarty.

6. Accordingly, the application of **Uttam Chakravarty** is allowed. It is directed that the applicant – Uttam Chakravarty shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with two local sureties for the like amount to the satisfaction of the Trial Court on the condition that -

- a) He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
- b) He shall not make any attempt to tamper with the prosecution witnesses.

Certified copy as per rules.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge