

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No.7041 of 2021

- Narendra Das, S/o Dhruv Das Bairagi (wrongly mentioned as Dhurv in the order sheet), aged about 21 years, R/o Amlibhouna (wrongly mentioned as Amlibhuna in order sheet), Tahsil & District Raigarh (CG)

---- Applicant (In Jail)

Versus

- State of Chhattisgarh, through Station House Officer, Police Station City Kotwali, District- Raigarh (CG).

....Non-applicant

For Applicant	:	Mr. Ashish Gupta, Advocate
For Non-applicant	:	Mr. Srikant Kaushik, Panel Lawyer

Hon'ble Mr. Justice Parth Prateem Sahu

Order On Board

29.11.2021

1. This is first application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to applicant, who is in custody since 16.12.2020 in connection with Crime No.1069/2020 registered at Police Station City Kotwali, Raigarh District Raigarh (CG) for commission of offence punishable under Section 392/34 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that on 15.2.2020 complainant was travelling on his Hero Passion Pro motorcycle, he stopped near Kelo Dam to answer nature's call, at that time applicant and co-accused Mohd. Rajjak Khan came there, threatened him of life by showing knife and robbed his motorcycle. Co-accused Mohd. Rajjak Khan fled away on looted motorcycle, whereas applicant ran away towards forest. Based on report of complainant, crime in question is registered against applicant and co-accused.

Applicant was arrested on 16.12.2020.

3. Mr. Ashish Gupta, learned counsel for applicant would submit that due to some previous dispute, there was quarrel between complainant, applicant and co-accused. False and baseless allegation has been levelled by complainant against applicant of looting motorcycle from his possession. Motorcycle alleged to have been robbed has been recovered from possession of co-accused and not from applicant. Applicant is not having any criminal antecedent, he is in jail since 16.12.2020; offence alleged against applicant is trial by Magistrate; charge sheet has been filed and conclusion of trial may take some time. Hence, applicant may be released on regular bail.
4. Per contra, Mr. Srikant Kaushik, learned Panel Lawyer for the State opposes the submissions made by learned counsel for applicant and submits that as per allegation, by giving life threat on knife point, applicant and co-accused have robbed motorcycle from possession of complainant. On the basis of memorandum statement of applicant, one knife is seized from his possession. Hence, there is *prima facie* involvement of applicant in commission of crime in question. On putting specific query with regard to criminal antecedents of applicant, after going through case diary learned Panel Lawyer would submit that there is no mention about any criminal antecedent of applicant in case diary
5. I have heard learned counsel for the parties.
6. Taking into consideration facts and circumstances of case, nature of allegations; pre-trial detention of applicant i.e. since

16.12.2020; applicant is not having any other criminal antecedent, as stated by learned State Counsel; offence is triable by Magistrate, without commenting anything on merits of case, I am inclined to grant regular bail to applicant.

7. Accordingly, bail application is allowed and it is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of trial Court concerned on the conditions that;

- he shall appear before the trial Court concerned regularly on each and every date unless exempted from appearance.
- he shall not, in any manner, tamper with the prosecution witnesses.
- If applicant is found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-