

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.7676 of 2020

1. Umraon @ Nanu Patle S/o Hemprakash Patle Aged About 24 Years R/o Village Birgahni (B), Police Station Balouda, District Janjgir-Champa (Chhattisgarh)
2. Rajhak @ Rajjak Baghel S/o Mandru @ Manbodhi Aged About 42 Years R/o Village Birgahni (B), Police Station Balouda, District Janjgir-Champa (Chhattisgarh) **----Applicants**

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Balouda, District Janjgir-Champa (Chhattisgarh) **---- Respondent**

For Applicants	:	Shri N.K. Chaterjee, Advocate
For Respondent/State	:	Shri Lalit Jangde, Dy. G.A.

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

07/01/2021

Heard.

1. The applicants have been arrested in connection with Crime No.217 of 2020 registered at Police Station- Balouda, District Janjgir-Champa (CG) for the alleged commission of offence under Section 395/34 of IPC.
2. Prosecution case is that the applicants and other co-accused stopped and looted trailer vehicle bearing registration No.CG 15 AC 3404 when the said vehicle loaded with coal was plying from Kusmunda to Birgahani, at 2:30 am on 27.08.2020. The accused persons armed with club forced the driver to get down from the vehicle and looted Rs.5000/- and 50 litres of diesel.
3. Learned counsel for the applicants would argue that the applicants have been falsely implicated and no recovery has been made from their possession either of diesel or cash and they have been named in the FIR itself that means the complainant claims to have known the accused. He would submit that the applicants are in jail since 05.10.2020 and co-accused Pawan Kumar Baghel has been granted bail by this Court in M.Cr.C. No.7395 of 2020 and the applicants are similarly situated, therefore, they

may also be granted bail.

4. On the other hand, learned counsel for the State opposes the prayer and submits that named FIR has been lodged by the victim and the present applicants have also been named. There is loot of Rs.5000/- of cash and 50 litres of diesel, therefore, prima facie case is made out.
5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that the applicants have been arrested on 05.10.2020 and that the investigation is complete, charge-sheet has been filed and further taking into consideration that co-accused Pawan Kumar Baghel has been granted bail by this Court on the ground of parity, I am inclined to grant bail to the present applicants. Accordingly, the application is allowed.
6. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.50,000/- along with one local surety for the like amount to the satisfaction of the concerned trial Court with following further conditions:
 - (i) The applicants shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge