

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8006 of 2020**

- Biru Chouhan S/o Bondu @ Damodar Chouhan Aged About 30 Years R/o Village Gandhi Chouk, Kunwar Complex Ward No. 22 Brijrajnagar, District Jharsugada (Odissa)
- Karan Chouhan S/o Bondu @ Damodar Chouhan Aged About 22 Years R/o Village Gandhi Chouk, Kunwar Complex Ward No. 22 Brijrajnagar, District Jharsugada (Odissa)

---- Applicants**Versus**

- State Of Chhattisgarh Through Police Station Kotra Road, Raigarh District Raigarh Chhattisgarh

---- Respondent

For Applicants	:	Shri Sanjay Agrawal, Advocate
For State	:	Ms. Samiksha Gupta, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****05/02/2021**

Heard.

1. The applicants have been arrested in connection with Crime No.187/2020 registered at Police Station – Kotra Road, District – Raigarh (C.G.) for alleged commission of offences under 394, 365, 34 of IPC.
2. Prosecution case is that three of the co-accused kidnapped and looted victim, snatched Rs.30,000/- and also one mobile. As per memorandum of Shyam, the applicants are involved because after the incident of loot, co-accused called the present applicants and went away.
3. Learned counsel for the applicant would submit that the so called identification of the present applicants is only farce of proceedings because according to the victim, three persons had come and Shyam stated that the present applicants were not along with them but after the incident was over, present applicants were called and another

accused went along with them. It is next submitted that the prosecution story is otherwise highly improbable that after kidnap, the vehicle was taken for repair to a shop and there, the victim did not make any allegation of having been kidnapped. It is also submitted that there is delay of about 10 days in lodging FIR. Therefore, at this stage, when the investigation is complete and charge sheet has been filed, the applicants may be granted bail.

4. On the other hand, learned State counsel would argue that though the applicants may not actually present in the truck, according to the memorandum of the co-accused, after the incident of loot, the applicants were called by another co-accused. Therefore, the applicants are also involved and the present applicants are also identified by the victim.

5. On *prima facie* consideration, the statement of the victim show that three persons had stopped the truck and thereafter, they kidnapped the victim. The victim claims to have identified five persons, though according to his own statement, there were only three persons before him. Therefore, considering the aforesaid material on record of the case diary and charge sheet and that investigation is complete, charge sheet has been filed and that the applicants are in jail since 27/09/2020, I am inclined to grant bail to the applicants.

6. Accordingly, the application is allowed. It is directed that the applicants shall be released on bail on each of them 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) They shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
- b) They shall not make any attempt to tamper with the prosecution witnesses.

Certified copy as per rules.

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