

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8100 of 2020**

- Iliyas Khan S/o Mohammed Iqbal Khan Aged About 19 Years R/o Simran City, Phase - I, Kadam Chouk, Mathpuraina, P.S. Tikrapara, Raipur, District Raipur Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station New Rajendra Nagar, Raipur Chhattisgarh

---- Respondent

For Applicant	:	Shri Syed Ishhadil Ali, Advocate
For State	:	Shri Neeraj Pradhan, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****18/02/2021**

Heard.

1. The applicant has been arrested in connection with Crime No.189/2020 registered at Police Station – New Rajendra Nagar, District - Raipur (C.G.) for alleged commission of offences under Section 394 of IPC.
2. Prosecution case is that the applicant and co-accused looted a mobile from the victim and assaulted him with the help of knife.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in the case by the police. It is submitted that neither there is identification of the applicant by the victim nor any recovery has been made from the present applicant and false and fabricated memorandum has been prepared to somehow involve the applicant in the alleged commission of offence. He further submits that investigation is complete, charge sheet has been filed and the applicant is in jail since 15/07/2020 and there is no likelihood of early conclusion of trial. Therefore, the applicant may be granted bail.

4. On the other hand, learned State counsel opposes prayer and submits that though no test identification parade was conducted, there is recovery of mobile from the co-accused and in his memorandum, he has named the present applicant.

5. Taking into consideration the submission of learned counsel for the parties and considering that investigation is complete, charge sheet has been filed, the applicant is in jail since 15/07/2020 and no T.I. parade was conducted by the police after arrest, I am inclined to grant bail to the applicant.

6. Accordingly, the application is allowed. It is directed that the applicant 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