

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7807 of 2021**

Lekharam Dhruw S/o Bedram Dhruw, aged about 38 years, R/o Village Bhawa,
Police Station Patewa, District Mahasamund (C.G.)

---- Applicant

Versus

State of Chhattisgarh through : Station House Officer, Police Station Tumgaon,
District Mahasamund (C.G.).

---- Respondent

For Applicant	:	Mr. Ram Vifal Ram Rajwade, Advocate
For Respondent	:	Mr. Vaibhav Kartike Agrawal, PL

Hon'ble Shri Justice Deepak Kumar Tiwari

Order on Board

25/10/2021

Heard.

1. The applicant has preferred this first Bail Application under Section 439 of Code of Criminal Procedure, 1973 in connection with Crime No. 169/2021 registered at Police Station- Tumgaon, District Mahasamund (C.G.) for the offence punishable under Sections 294, 323, 392, 34 of the IPC.

2. Case of the prosecution in brief is that on 01/08/2021 at about 8;40 pm, Complainant Premchand Bhauram along with his friend Amit Chandrakar were going from Sirpur petrol pump to Bhoring petrol pump. On the way, near Hanuman Mandir, two unknown persons came on motorcycle and abused the complainant. They also looted Rs. 2050/- from the complainant by personating themselves police personnel. After investigation, a charge-sheet has been filed. Criminal case no.

1328/20221 is pending before the Chief Judicial Magistrate, Mahasamund.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case. According to the case of the prosecution, the accused persons came on motorcycle bearing no. CG06 AT 3781, whereas different motorcycle bearing registration No. CG06 PA 3781 has been seized by the police from the applicant, which in fact is registered in the name of the applicant's brother. He further submits that seizure of Rs. 2050/- has been made from the co-accused Yogeshwar Sahu not from the present applicant. He further submits that the applicant is in jail since 02/08/21; he is permanent residents of Chhattisgarh State; and there is no likelihood of the applicant tampering with the prosecution evidence or absconding, therefore, he prays to release him on bail.
4. On the other hand, learned counsel for the State opposes the bail application and submits that during test identification parade, the victim has identified the accused persons, therefore, the bail application may be rejected.
5. I have heard learned counsel for the parties.
6. Considering the facts and circumstances of the case, particularly the fact that the offence is triable by the JMFC and conclusion of trial may take some time, I am of the view that it is fit case to enlarge the applicant on bail.
7. Accordingly, the bail application is allowed.

8. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a sum of Rs. 10,000/- with one surety of the like sum amount to the satisfaction of the trial Court for his appearance before the trial Court as and when directed.

Sd/-
(Deepak Kumar Tiwari)
Judge

Rahul