

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR

MCRC No. 7707 of 2021

Priyesh Kujur S/o Shri Falit Kujur Aged About 23 Years By Caste Uraon,
R/o Village Bandiyakhar, P. S. And Tahsil Patthalgaon District Jashpur
Chhattisgarh

---- Applicant

Versus

The State Of Chhattisgarh Through The Station House Officer, Police
Station Patthalgaon District Jashpur Chhattisgarh

---- Respondent

For Applicant	:	Shri Sunil Sahu, Advocate
For Non-applicant	:	Shri B.L. Sahu, Panel Lawyer

S.B.: Hon'ble Shri Parth Prateem Sahu, Judge

Order On Board

21/12/2021

1. Applicant has filed this application under Section 439 of Cr.P.C. for grant of regular bail as he has been arrested in connection with Crime No.193/2021 registered at Police Station- Patthalgaon, District- Jashpur (C.G) for the offence punishable under Section 392 of IPC.
2. Case of prosecution is that Mukesh Sahu, Driver of truck bearing No. CG 15 DG 6084 lodged report on 4.9.2021 stating therein that when he was travelling on his truck, on the way, truck was intercepted and stopped by applicant and other three persons near Kadamghat on main road. After giving him threat of assault have

robbed Rs.7,500/- from him and thereafter ran away. At the time of fleeing away, accused persons were taking name of each other as Priyesh Kujur, Atul Tirki, Aman Xalxo and Suraj Minj. Based on this, complainant lodged report against these accused, upon which, aforementioned crime was registered against applicant and three other persons including child in conflict with law.

3. Learned counsel for applicant would submit that applicant has been falsely implicated in crime. There may be some dispute as appearing from contents of FIR because if any person will commit the crime as alleged in the late night on main road of robbing the money from any person, they will not take the name of other co-accused persons. He also submits that as per allegation, not only one person is named but name of all the persons have been taken by the accused persons when they were returning after commission of crime which is highly improbable. He further pointed out that applicant is of tender age, there is no other previous criminal record against him, offence is triable by Judicial Magistrate First Class, hence, he may be enlarged on regular bail.
4. Learned counsel for the State opposes the submission of learned counsel for the applicant and would submit that looking to the nature of offence committed by applicant of robbing money from truck driver in night on highway at about 11:20 pm, he is not entitled for grant of bail. Upon asking, after going through the case diary, learned State counsel submits that no other previous criminal record is mentioned against applicant in case diary.

5. I have heard learned counsel for the parties.
6. Taking into consideration the facts and circumstances of the case, nature of allegations, submission of learned counsel for parties that no other criminal antecedent is mentioned in the case diary against applicant, his tender age, offence to be triable by Magistrate First Class, without commenting anything on merits, I am inclined to allow the bail application.
7. Accordingly, the bail application is allowed. It is directed that applicant shall be released on regular bail upon his furnishing a bail bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the Court on the conditions that:-
 - a) Applicant shall appear before the trial Court regularly on each and every date, unless exempted from appearance.
 - b) Applicant shall not, in any manner, tamper with the prosecution witnesses.
 - c) If the applicant is found involved in similar offence in the future, it will be open for the State to apply for cancellation of Bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge