

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7851 of 2021**

1. Kishan Kumar Chouhan, S/o Ghasiram Chouhan, aged about 20 years, R/o Nearby Shani Mandir (Shriwas Mohalla), Sitamani Korba, District Korba (C.G.)
2. Raghaw Chouhan, S/o Late Shri Manohar Chouhan, aged about 21 years, R/o Nearby Shani Mandir (Shriwas Mohalla), Sitamani Korba, District Korba (C.G.)
3. Mukesh Kumar Chouhan, S/o Shri Sammelal Chouhan, aged about 29 years, R/o behind rest house, Sitamani Korba, Tahsil and District – Korba (C.G.)

---- Applicants**Versus**

State of Chhattisgarh, Through : Station House Officer, Police of Police Station Kotwali, Korba, District – Korba (C.G.)

----Non-applicant

For Applicants	:	Mr. Anil Gulati, Advocate.
For Non-applicant	:	Mr. Roshan Dubey, Panel Lawyer.

Hon'ble Shri Justice N.K. Chandravanshi**Order On Board****17.11.2021**

(1) The applicants/accused have preferred this first bail application under Section 439 of the Code of Criminal Procedure for releasing them on regular bail in connection with Crime No. 561/2021 registered at police Station Kotwali Korba, District Korba for commission of offence punishable under Sections 294, 323, 506 & 395 of the Indian Penal Code.

(2) Case of the prosecution, in brief, is that in the intervening night of 26/27.06.2021 applicant and other co-accused persons took complainant – Budh Lal Kanwar for providing him auto-rickshaw, thereafter, they abused him, assaulted him and threatened to kill him and also robbed a sum of Rs.7,000/-, which was in his

purse, one bag & one mobile, etc. Based on above facts, present crime was registered against the unknown persons under Sections 294, 323, 506 & 395 of the IPC. After due investigation, charge-sheet for the aforesaid offences has been filed against the the applicants and other co-accused persons.

(3) Learned counsel appearing for the applicants would submit that the applicants are innocent and they have been falsely implicated in the crime in question as they have not committed the alleged crime. He would next submit that the applicants are in custody since 27.06.2021; charge-sheet has already been filed and the applicants are the permanent resident of District Korba, hence, there is no chance of tempering the prosecution witnesses or absconding of accused/applicants. Hence, they may be enlarged on regular bail.

(4) On the other hand, counsel for the State opposes the bail application.

(5) I have heard learned counsel appearing for the parties and perused the case diary as well as material available on record.

(6) Considering the facts & circumstance of the case, nature & gravity of the offence, also taking into consideration the fact that the charge-sheet has already been filed; applicants are in custody since 27.6.2021; and totality of the facts of the case; I am of the view that it is a fit case to release the applicant on bail. Accordingly, the bail application is allowed.

(7) Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-

(N.K. Chandravanshi)
Judge

D/-

