

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.8312 of 2020**

- Pratapjal S/o Babulal Jal Aged About 21 Years R/o House No. 12/32 B.S.U.P. Colony Bhanthagaon, Police Station Purani Basti , Tahsil And District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Mujgahan, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondent

For Applicant/s	:	Shri C. R. Sahu, Advocate
For Respondent/State	:	Shri Anurag Verma, PL

Single Bench: Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****05/03/2021**

Heard.

1. The applicant has moved this bail application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.143/2020 registered at Police Station Mujgahan, Raipur for the offence punishable under Section 392, 34 of the IPC and Section 25 of the Arms Act. The applicant was arrested on 12-10-2020.
2. Prosecution case is that the applicant and other co-accused intercepted the victim on the road in the mid noon and looted him on the threat of assault with knife.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated and the present is a case of no evidence against the applicant, because, there is neither any identification nor any recovery was made from him. He would submit that the applicant has been involved in this case only on the basis of memorandum statement of the co-accused. He would lastly submit that in this case, as investigation is complete, charge sheet has been filed and the applicant is in jail since 12-10-2020, therefore, it is prayed that the applicants may be granted bail.
4. On the other hand, learned counsel for the State/non-applicant opposes

the bail application by submitting that after the incident of loot, the offenders were chased and one of them were caught red handed soon after the incident and when his memorandum was recorded, he named the present applicant also involved in the alleged incident of loot, therefore, even though, no test identification parade was conducted nor any recovery was made, prima facie case is made out against the applicant.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that though the incident is said to have been occurred sometime in the mid noon and there is no allegation that the offenders have covered their faces and there is no identification parade in respect of the present applicant of he having been identified by the victim nor any recovery is said to have been made from him and that the investigation is complete, charge sheet has been filed and the applicant is in jail since 12-10-2020, in my considered opinion, the present is a fit case for grant of bail to the applicant.

6. Accordingly, the bail applications(M.Cr.C.No.8312 of 2020) is allowed. It is ordered that the applicant shall be released on bail on furnishing a personal bond of Rs.25,000/- along with two local surety of the like amount to the satisfaction of the concerned trial Court on the condition that he shall appear before the trial Court regularly on each and every date of hearing, unless exempted.

Certified copy as per rules.

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