

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8091 of 2021**

- Rahul Nishad S/o Shri Ishwar Nishad Aged About 21 Years R/o Ward No. 07, Mohabhatthapara, Nevra, Police Station Tilda Nevra, District Raipur Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Tilda Nevra, District Raipur Chhattisgarh

---- Respondent

 For Applicant : Shri AD Kuldeep, Advocate
 For respondent/State : Shri Roshan Dubey, Panel Lawyer

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

1. This is first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested on 12.8.2021 in connection with Crime No.249/2021 registered at Police Station Tilda Nevra, Distt. Raipur (C.G.), for the offence punishable under Section 394, 395 of the Indian Penal Code, 1860 (for short 'IPC').

2. Brief facts of the case are that on 31.7.2021 at about 10.00 pm when complainant Nikhil Kumar, after taking his meal, was going towards village Boerjhiti from Tilda Nevra and when he reached near Nakta Nala, present applicant along with other co-accused persons came there, assaulted the complainant with some pointed weapon and also robbed his mobile Samsung Galaxy M-30. On the basis of the report lodged by the

complainant, present crime was registered against six persons. During investigation, on the basis of memorandum of the applicant and other co-accused persons, mobile phone and knife were seized and after due investigation, charge sheet has been filed under Sections 394 & 395 IPC against the applicant and other co-accused persons.

3. Learned counsel for the applicant submits that the applicant is innocent, he has been falsely implicated in the crime in question, he is in jail since 12.8.2021, charge sheet has already been filed, there is no criminal antecedent reported against the applicant, he is the permanent resident of Distt. Raipur, hence, there is no chance of influencing the witnesses or absconding by the applicant, hence, he may be enlarged on bail.

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

5. I have heard learned counsel for both parties, perused the case diary and the material available on record.

6. Considering the facts and circumstances of the case, nature and gravity of offence, also taking into consideration that charge sheet has already been filed, there is no criminal antecedent reported against the applicant as pointed out by the counsel for the applicant and also the detention period of the applicant, I feel inclined to allow the bail application. Therefore, the application under Section 439 of the CrPC is allowed. It is ordered that if the applicant furnishes one solvent surety for a

sum of Rs.25,000/- along with one personal bond of the like sum to the satisfaction of the trial Court concerned for his appearance before the concerned Court as and when directed by the said Court, he be released on bail.

Certified copy as per rules.

Sd/-

(N.K. Chandravanshi)
JUDGE

Bini