

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8268 of 2021**

Anil Sahu, S/o Shri Shri Laxman Sahu, Aged About 20 Years,
R/o Gokul Nagar, Near Shiv Mandir, Thana Civil Line, Tahsil
and District Raipur, Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh Through P.S. Civil Line, District Raipur,
Chhattisgarh.

---- Non-applicant

For Applicant : Shri J.K. Gupta, Advocate

For Non-applicant/State : Shri Vaibhav Singh, P.L.

Hon'ble Shri Justice Parth Prateem Sahu**Order on Board****10.12.2021**

1. This is first application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to applicant, who is in custody since 18.08.2021 in connection with Crime No.368 of 2021 registered at Police Station Civil Line, District Raipur (C.G.) for commission of offence punishable under Sections 392, 394, 34 of Indian Penal Code.
2. Case of prosecution, in brief, is that on 15.08.2021, at about 1.45 hours, when complainant Nadeem went to petrol pump in Anand Nagar Square along with his friend, at that time, 3-4 unknown persons came there and started raising dispute with complainant. During dispute between them, one of the accused person snatched mobile phone of his and thereafter, ran away from the spot. Incident was immediately reported to concerned Police Station, but after consultation of family members, FIR has been registered against Mohd. Hasim and others. During course of

investigation, based on CCTV footage, applicant and three other accused persons were arrested.

3. Mr. J.K. Gupta, learned counsel for the applicant would submit that applicant has not committed any offence as alleged against him and he has been falsely implicated in the case. He further submits that one of the co-accused, namely, Dev Kumar @ Vikky has already been enlarged on regular bail in MCRC No.7307 of 2021 vide order dated 29.10.2021 and case of the applicant also stands in similar footing. There is no other criminal antecedent of the applicant. Applicant is aged about 20 years and is in jail since 18.08.2021, hence, applicant may be enlarged on regular bail.
4. Per contra, Mr. Vaibhav Singh, learned Panel Lawyer for the State opposing the submissions of learned counsel for the applicant, would submit that serious offence is committed by the applicant along with three other accused persons.
5. However, on putting specific query with regard to criminal antecedent of applicant, learned State counsel submits that there is no criminal antecedent against the applicant. Criminal antecedent is against Mohd. Hasim, who is main accused, from whom, mobile is recovered.
6. I have heard learned counsel for the parties.
7. Taking into consideration the facts and circumstances of the case, nature of allegations, further fact that one of the co-accused, namely, Dev Kumar @ Vikky has already been enlarged on regular bail in MCRC No.7307 of 2021 vide order dated 29.10.2021 and submissions of learned counsel for the applicant that case of present applicant is also on similar footing that of Dev

Kumar @ Vikky, without commenting on the merits of case, I am inclined to release the applicant on regular bail.

8. Accordingly, the application is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with one local surety in the like sum to the satisfaction of the trial Court concerned on the conditions that;

a) He shall appear before the trial Court concerned regularly on each and every date unless exempted from appearance.

b) He shall not, in any manner, tamper with the prosecution witnesses.

c) If the applicant is found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-

(Parth Prateem Sahu)
Judge