

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR

MCRC No. 8240 of 2021

Budheshwar Sahu S/o Shri Bharat Sahu Aged About 21 Years R/o Near Water Tank, Ward No.14, Rawanbhata, Raipur, Tahsil And District - Raipur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station - Khamtarai, District - Raipur.

---- Respondent

For Applicant : Mr. Shivendu Pandya, Advocate

For Non-applicant : Ms. Smriti Shrivastava, Panel Lawyer

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

Order On Board

09/12/2021

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.563/2021 registered at Police Station- Khamtarai, District- Raipur (C.G.) for the offence punishable under Section 392/34 of IPC.
2. Case of prosecution is that on 6.9.2021, complainant who is Auto Driver went to drop his friend Pramod Verma to his house near Durga Chowk, Ravanbhatha, Raipur. After dropping him, he was returning back to his house along with Kamal Prasad Pandey at about 7:30 pm. At that relevant time, applicant along with Arjun

Dewangan, Suraj Yadav and Montu Sharma came there, on point of knife, complainant was forced to sit on passenger seat. They took his Auto with complainant and his friend to some other place and thereafter they have taken Rs.2200/- from pocket of complainant and Rs.1,000/- from pocket of his friend Kamal Pandey and thereafter ran away. The incident was reported to concerned police station naming the accused persons, based upon which, aforementioned crime was registered and applicant was arrested on 7.9.2021.

3. Mr. Shivendu Pandya, learned counsel for the applicant would submit that applicant has not committed any offence as alleged. There was some money dispute of Arjun with complainant. Hence, false allegations have been levelled against him. He also submits that after arrest, only Rs.150/- was seized from his possession. There is no any other criminal antecedent against him. Applicant is aged 21 years only. Hence, he may be enlarged on regular bail.
4. Ms. Smriti Shrivastava, learned counsel for the State opposes the submission of learned counsel for the applicant and would submit that specific allegations were levelled against applicant and other co-accused persons. They have been named in FIR and looking to the nature of offence committed by them, he is not entitled to grant of bail. However, upon putting specific query with regard to criminal antecedents against applicant, after going through the case diary, she submits that there is no mention of any criminal antecedent against applicant.

5. I have heard learned counsel for the parties.
6. Taking into consideration the facts and circumstances of the case, nature of allegations levelled against applicant, his tender age of 21 years, as stated by learned counsel for the parties that there is no criminal antecedent against the applicant, offence to be triable by Magistrate, without commenting anything on merits, I am inclined to allow the bail application.
7. Accordingly, the bail application is allowed. It is directed that the 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