

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
M.Cr.C. No.8945 of 2020

Gajendra Kumar Sahu S/o Shri Vedram Sahu, Aged About 21 Years, Caste -Teli, Resident of Village -Boriyakala, Police Station -Mujgahan, Tahsil and District -Raipur, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh Through Officer Incharge of Police Chowki, Birejhar, Thana Kurud, District -Dhamtari, Chhattisgarh.

--- Respondent

For Applicant	: Mr. Malay Jain, Advocate.
For Respondent/State	: Mr. Dinesh Tiwari, DY. GA.

(Proceedings through video conferencing)
Hon'ble Shri Parth Prateem Sahu, J
Order on Board

11/06/2021

Heard.

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to applicant, who has been arrested in connection with Crime No.483/2020, registered at Police Chowki -Birejhar, PS -Kurud, District -Dhamtari, (C.G), for the offence under Section 397 & 34 of the Indian Penal Code.
2. Case of the prosecution is that on 09.09.2020 at about 10.00 AM when complainant Ishwar Sahu, who was working as Field Officer in a finance company, was going on his motorcycle, on Kachna -Bhakahra Road. While so two unknown persons came on motorcycle, stopped him threatened of his life by showing knife, looted his Mobile Phone thrown key of motorcycle and ran away. On the basis of report lodged by the complainant before concerned Police Station, the aforementioned offence was registered against present applicant and co-accused Amit Meshram.

3. Learned counsel for the applicant submits that allegation levelled against the present applicant is absolutely false and baseless. No such crime, as alleged, was committed by the applicant in any manner. Complainant did not suffer injury of any nature, nothing was seized from the possession of the present applicant except the motorcycle used in alleged offence. He is in jail since 12.09.2020, hence, he may be released on bail.
4. Learned counsel for the State opposes the submissions made by learned counsel for the applicant and submits that motorcycle used in commission of offence is seized from the possession of the present applicant, therefore, he is not entitled for grant of bail. On a specific query put to learned State Counsel, he replied that there is no mention of any criminal antecedents of applicant in case diary.
5. Learned counsel for the applicant submits that motorcycle said to be seized from the possession of present applicant is applicant himself.
6. Heard learned counsel for the parties.
7. Considering the entire facts and circumstances of the case, nature of allegations levelled against the applicant, materials collected by the police during the course of investigation and further considering the fact that applicant is not having any criminal antecedent as per case diary, as stated by learned State Counsel, period of detention of applicant, without commenting anything on merits of the case, I am inclined to allow this bail application.
8. Accordingly, bail application is allowed. It is directed that applicant shall be released on regular bail, on his furnishing a bail bond in 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 as and when directed by the investigating agency during the course of investigation.

b) Applicant shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.

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

c) If he 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

Jamal/-