

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MCRC No. 8298 of 2021**

1. Vishal Sao S/o Kanhaiya Lal Sao aged about 20 Years Occupation Student, R/o Patrapali Purva, P.S. Chakardhar Nagar, Tehsil and District Raigarh Chhattisgarh.
2. Naimish Yadav @ Suraj Yadav S/o Yog Prasad Yadav aged about 23 Years Occupation Student R/o Raitarai, P.S. Pusour, District Raigarh Chhattisgarh.

-----Applicants**VERSUS**

- State of Chhattisgarh through: Chowki Jutmil, P.S. Kotwali, District Raigarh Chhattisgarh.

-----Non-applicant

For Applicants : Mr. Sanjay Agrawal, Advocate
 For Non-applicant/State : Ms. Shubha Shrivastava, Panel Lawyer.

Single Bench: Hon'ble Shri Parth Prateem Sahu, Judge**ORDER****10/12/2021**

1. Applicants have filed this application under Section 439 of CrPC for grant of regular bail as they have been arrested in connection with Crime No. 1374/2021 registered at Chowki Jutmil, P.S. Kotwali District Raigarh (C.G.) for the offence punishable under Section 392/34 of IPC.
2. Case of prosecution is, that on 27.09.2021 at about 07:00 pm, complainants were travelling on his motorcycles and going to village Kodatarai, three persons on two-wheeler activa scooty came there and on gun point have snatched two mobile phones one is Realme 8 and another is Infinix Hot 10 from possession of complainant, his another friend and ran away. Incident was reported on next day at 02:30 pm, based on which aforementioned crime is registered initially against unknown person. During course of investigation, applicants were arrested on 28.09.2021.

3. Mr. Sanjay Agrawal, learned counsel for applicants would submit that applicants have been falsely implicated in the crime. There was some quarrel between complainant party and applicants. Mobile phones were not seized from their possession but seized at police station. The gun allegedly seized is a fake one. Applicants are of tender age and Naimish Yadav is a student. There is no criminal antecedent against them except one crime as 1373/2021 which was alleged to have been committed on the same day, hence, applicants may be enlarged on bail.
4. Ms. Shubha Shrivastava, learned State counsel, while opposing the submissions of learned counsel for the applicants, would submit that applicants along with one another on the gun point have snatched two mobile phones one from complainant and another from his another friend, hence, they are not entitled for grant of bail. However, upon putting specific query with regard to criminal antecedent against applicants, learned State counsel, after going through case diary, submitted that apart from the present case one more crime is registered against applicant as 1373/2021 which is of the same day.
5. I have heard learned counsel for the respective parties.
6. Taking into consideration, nature of allegation, facts and circumstances of the case, age of applicants and further that except the alleged crime which has been committed on the same day there are no other criminal antecedents against applicants, as stated by learned counsel for the party, they are in jail since 29.09.2021, 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 applicants shall be released on regular bail, upon furnishing a bail bond in the sum of Rs.25,000/- each with one surety in the like sum

to the satisfaction of the Court on the conditions that-

- a) Applicants shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
- b) The applicants shall not, in any manner, tamper with the prosecution witnesses.
- c) If the applicants are 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

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