

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8775 of 2021

Durgesh Uikey S/o Gopal Singh Uikey Aged About 21 Years R/o Dorapara Birgaon, Police Station New Khamtarai Raipur Tehsil And District Raipur Chhattisgarh

---- **Applicant**

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Khamtarai Raipur Tehsil And District Raipur Chhattisgarh

---- **Respondent.**

For Applicant : Mr. Sachin Nidhi, Advocate.

For Respondent/State : Mr. Ishwar Jaiswal, PL

Hon'ble Smt. Justice Rajni Dubey
Order On Board

16.12.2021

This first application under Section 439 of the Code of Criminal Procedure has been filed by the accused/applicant, who is languishing in jail since 15.08.2021 in connection with Crime No. 495/2021 registered at Police Station Khamtarai, Tahsil and District Raipur for the offence punishable under Sections 394,324,34 IPC.

2. The prosecution case in nutshell is that on 13.08.2021 present applicant along with co-accused committed marpit with complainants Pradeep Kumar Dahariya and Vipul Dubey, thereafter co-accused Arjun Netam robbed Rs. 7,000/- and one Vivo mobile phone from Pradeep Kumar Dahariya and present applicant robbed Rs. 900/- and one Jio phone from Vipul Dubey, which are said to be subsequently recovered on the memorandum of the accused/applicant.

3. Learned counsel for the applicant submits that the applicant has been roped in a false and fabricated case and therefore, he may be set at liberty by granting bail. He further submits that the applicant would abide by all terms and conditions imposed on him while granting bail.

4. Learned State counsel however puts forth his vehement opposition to the prayer for bail.

5. Having heard counsel for the parties, taken into consideration the facts and circumstances of the case and also keeping in mind the nature of allegations made, this Court is of the opinion that the accused/applicant is entitled for bail. Accordingly, the application is **allowed** and it is directed that on applicant's furnishing a personal bond in the sum of Rs.50,000/- with one solvent surety to the satisfaction of the concerned Court, he shall be released on bail. The applicant however, shall ensure his appearance before the trial Court as and when so directed, till the disposal of the case. Order accordingly.

Sd/-

(Rajni Dubey)
Judge