

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9475 of 2020**

- Jaichand Sargam S/o Santosh Kumar Aged About 28 Years R/o Village Belgahni, Baloda District Janjgir Champa Chhattisgarh.---- **Applicant**

Versus

- State of Chhattisgarh Through District Magistrate, Janjgir, District Janjgir Champa Chhattisgarh., ---- **Non-applicant**

For Applicant : Mr. N.K. Chatterjee, Advocate.

For State : Ms. Seem Dixit, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya

Order on Board**04-02-2021**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail as he is in jail since 2-11-2020 in connection with Crime No. 217 of 2020 registered at Police Station Baloda, District Janjgir-Champa (CG) for the offence punishable under Section 395/34 of IPC.
2. Prosecution case, in brief, is that the applicant and other co-accused stopped and looted trailer vehicle bearing registration No. CG 15 AC 3404 when the said vehicle loaded with coal was plying from Kusmunda to Birgahani, at 2.30 pm on 27-8-2020. The applicant and other co-accused armed with club forced the driver to get down from the vehicle and looted Rs.5000/- and 50

liters of diesel.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. He would further submit that the applicant is in jail since 2-11-2020 and the case of the present applicant is similar to the case of co-accused persons namely Umraon @ Nanu Patle and Rajhak who have already been granted bail vide order dated 7-1-2021 passed by co-ordinate Bench of this Court in M.Cr.C.No.7676 of 2020, therefore, applicant may also be granted bail.
4. On the other hand, learned counsel for the State opposes the bail application and submits that named FIR has been lodged by the victim and the present applicant has also been named. There is loot of cash of Rs.5000/- and 50 liters of diesel, therefore, prima facie, case is made out.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the submissions of learned counsel for the parties, particularly taking into consideration that the applicant is in jail since 2-11-2021 and that the investigation is complete, charge-sheet has been filed and further taking into consideration that co-accused persons namely Umraon @ Nanu Patle and Rajhak have already been granted bail by co-ordinate Bench of this Court, I am inclined to grant bail to the present applicant.

7. Accordingly, the application is allowed and it is directed that the applicant shall be released on bail on his executing a personal bond for a sum of Rs.50,000/- along with one local surety for the like amount to the satisfaction of the concerned trial Court. He shall appear before the trial Court on each and every date given by the said trial court, till disposal of the trial. The applicant is being granted bail on the following conditions:

- i. he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court,
- ii. he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- iii. he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
- iv. he shall not involve himself in any offence of similar nature in future.

Sd/-

(Gautam Chourdiya)
Judge

Raju