

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.9156 of 2021

Suraj Kumar Yadav, S/o Shri Shiv Kumar Yadav Aged About 21 Years R/o. Banjari Ravabhata, Birgaon, District : Raipur, Chhattisgarh

---- Applicant

Versus

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

---- Respondent

For Applicant	:	Ms. Saumya Sharma, Advocate
For Respondent – State	:	Shri Wasim Miyan, PL for the State

Hon'ble Shri Justice Deepak Kumar Tiwari

Order On Board

17.12.2021

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant, who has been arrested in connection with Crime No.563/2021, registered at Police Station Khamtarai, District – Raipur (CG) for the offence punishable under Section 392, 34 of the IPC.
2. As per the prosecution case, on 06.09.2021, 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 p.m. At that relevant time, applicant along with Arjun Dewangan, Buddheshwar Sahu 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 the concerned police station naming the accused persons, based upon which, aforementioned crime was registered and applicant was arrested on 07.09.2021.

3. Learned counsel for the applicant submits that the applicant is innocent and he is falsely implicated in the present case. He further submits that the applicant is a young boy aged about 21 years, the other co-accused namely Budheshwar Sahu has already been enlarged on bail by this Court vide order dated 09.12.2021 in MCRC No.8240/2021, the applicant is in jail since 07.09.2021 and trial is likely to take some time, therefore, he may be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, particularly considering the nature of allegation and also considering that the co-accused Budheshwar Sahu has already been enlarged on bail by this Court, and further that there is no likelihood of the applicant tampering with the prosecution evidence or absconding, the conclusion of trial may take some time, the application is allowed.
6. It is directed that in the event of the Applicant's executing a personal bond for a sum of Rs.25,000/- with two sureties in the like sum to the satisfaction of the concerned trial Court, he shall be released on bail on the following conditions :-
 - (a) 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.
 - (b) he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
 - (c) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial,
 - (d) he shall not involve himself in any offence of similar nature in future.

Sd/-

(Deepak Kumar Tiwari)
Judge