

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9766 of 2021

1. Montu @ Sumit Kumar Kenwat S/o Gaya Prasad Kenwat Aged About 31 Years R/o Jamuna Collory P.S. Bhalumada District Anuppur Chhattisgarh.
2. Virendra Pratap Singh @Gudda S/o Krishnapal Singh Aged About 28 Years (Name Wrongly Mentioned In Cause Title.) R/o Jamuna Collory P.S. Bhalumada District Anuppur Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through The Sho P.S. Pendra District Gourela Pendra Marwahi Chhattisgarh.(Wrongly Mentioned Bilaspur In Impugned Order)

---- Respondent

For Applicants	:-	Mr. Avinash Chand Sahu, Advocate
For Respondent-State	:-	Mr. Afroj Khan, PL

Hon'ble Shri Justice Deepak Kumar Tiwari
Order On Board

21/12/2021

1. The applicants have preferred this first bail application under Section 439 of the Cr.P.C. for grant of regular bail as they are arrested in connection with crime No.89/2013 and S.T. No.43/2013 pending before ASJ, Pendra Road registered in Police Station Pendra, District Gourela Pendra Marwahi C.G. for the offence punishable under Section 395 of the

I.P.C. and Section 25, 27 of the Arms Act.

2. Case of the prosecution, in brief, is that when complainant was engaged in construction work in Pendra Bilaspur Road under SST Company, on 25.3.2013, he was going to railway station Gaurela at about 12:10 pm some unknown persons came there in a scorpio vehicle and committed loot of Rs.300 cash , mobile and motor cycle, for which offence has been registered.
3. Learned counsel for the applicant submits that the present applicants are innocent and have been falsely implicated. He would further submit that applicants are in jail since 04.10.2021 and; other accused persons were acquitted in ST No.43/2013 by ASJ, Pendra Road vide judgment dated 19.11.2014, therefore, the present applicant may also be enlarged on bail.
4. *Per contra*, learned State counsel would oppose the prayer for grant of bail.
5. Considering the facts and circumstances of the case particularly the fact that other accused person have already been acquitted by ASJ, therefore, without commenting on merits, this Court is inclined to release the applicants on bail.
6. Accordingly the bail application is allowed. It is directed that in the event of each of the applicants' executing a personal bond for a sum of Rs. 10,000/- with two sureties for the like

amount to the satisfaction of the trial Court, they shall be released on bail on the following conditions:-

- (a) they shall not directly or indirectly make any inducement, threat or promise to any persons acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court.
- (b) they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (c) they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.
- (d) the applicants and the sureties shall submit a copy of their adhaar card along with a coloured postcard full size photo having printed the adhaar number on it, which shall be verified by the trial Court.
- (e) they shall not involve themselves in any offence of similar nature in future.

SD/-
(Deepak Kumar Tiwari)
Judge

Ayushi