

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9699 of 2018**

Pramod Kumar Vaishnav @ Aidu S/o Late Shri Aniruddha Vaishnav Aged About 28 Years R/o Siddhiki Mandir, Rampur, Police Station Rampur, Tahsil Civil And Revenue District Korba Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Acting Through Officer In Charge, Police Out Post Rampur, Police Station Kotwali Korba, Civil And Revenue District Korba Chhattisgarh.

---- Non-applicant

 For Applicant : Mr. Devesh G. Kela, Advocate
 For Non-applicant : Mr. Dhiraj Wankhede, Govt. Advocate

Hon'ble Shri Justice Parth Prateem Sahu**Order On Board****20/12/2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of bail to the applicant who has been arrested in connection with Crime No. 828/2018 registered at Police Outpost Rampur, Kotwali Korba, Civil and Revenue District Korba (C.G.) for the offence punishable under Sections 392 and 34 of the Indian Penal Code.
2. As per the prosecution case, allegation against the present applicant is that on 27.10.2018 at about 8.30 pm, when the complainant Ashfaq Ali reached near wine shop, at that relevant time, applicant along with co-accused Tripurari Sahu asked money for purchase of liquor and thereafter, they have snatched one mobile phone and Rs.5000/- from the pocket of the complainant. The complainant lodged written report on the next day i.e. 28.10.2018.

3. Learned counsel for the applicant submits that applicant has not committed any offence and no offence as alleged against him has taken place. He further submits that near wine shop, some altercation and dispute arose between the applicant and the complainant, on the basis of which, false complaint has been lodged against the applicant. He further submits that in the FIR, no details of the mobile or cash have been mentioned which itself shows that the applicant has been falsely implicated, therefore, the applicant may be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail and submits that there was recovery of Rs.500/- from the possession of the applicant.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, nature of allegation levelled against the applicant as well as the period of detention of the applicant i.e. since 29.10.2018, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.10,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-

(Parth Prateem Sahu)
Vacation Judge