

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr. C No. 6474 of 2015**

- Dinesh Kumar Sen, aged about 35 years, S/o. Shiv Dutt Sen, Occupation, Nai, and resident of Village-Telenbandha, Police Station Bagnadi, Tahsil-Churiya, District Rajnandgaon (C.G.)

---- Applicant

Versus

- State Of Chhattisgarh Through :-The District Magistrate, Rajnandgaon (C.G.)

---- Respondent

For Applicant:	Shri Shashi Bhushan Tiwari, Advocate.
For Respondent/State:	Shri Varun Sharma, PL

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****21/12/2015**

Heard.

(1) The accused/applicant has moved this second bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 142/2015 registered at Police Station Chhuriya, Dist: Rajnandgaon (C.G.) for the offences punishable under Sections 454, 380 & 411 of the Indian Penal Code.

(2) The applicant's first bail application was dismissed as withdrawn with liberty to repeat the same after framing of charge by this Court dated 12.10.2015 passed in M.Cr.C. No. 5421/2015.

(3) Case of the prosecution is that the applicant was found in possession of stolen property on 25.8.2015 and thereby committed the aforesaid offences.

(4) Learned counsel for the applicant submits that now charge has been framed against the applicant only for the offence punishable under Section 411 of the Indian Penal Code which is punishable for a term which may extend to three years whereas the applicant is languishing in jail since 25.08.2015 and no useful purpose would be served in detaining him in jail and, therefore, the applicant may be released on bail.

(5) On the other hand, counsel for the State opposes the bail application.

(6) Taking into consideration the facts & circumstances of the case, further taking into consideration his pre trial detention; and the punishment prescribed for the offence under Section 411 IPC; no custodial interrogation is required; this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

(7) Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. She is directed to appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-