

AFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5424 of 2015**

- Raja @ Jaspreet, aged about 23 years, S/o Shri Bhupendra Singh, R/o Mohalla – Kanchanbagh, P.S. - City Kotwali, District – Rajnandgaon (C.G.)

---- Applicant (In jail)**Versus**

- State of Chhattisgarh, Through P.S. - City Kotwali, Civil & Revenue District – Rajnandgaon (C.G.)

---- Non-Applicant

For Applicant	:	Mr. Sudeep Agrawal, Advocate
For Non-applicant	:	Mr. Suryakant Mishra, Panel Lawyer

Hon'ble Shri Justice I.S. Uboweja
Order on Board

14/10/2015

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.908/2014 (Criminal Case No. 1585/2015, pending in the Court of Chief Judicial Magistrate, Rajnandgaon) registered at Police Station Kotwali, Rajandgaon, for the offence punishable under Sections 393, 395, 398 of the IPC and under Sections 25 and 27 of the Arms Act.

2. Case of the prosecution, in brief, is that it is alleged that the applicant along with other co-accused persons has attempted to commit dacoity / robbery in Vijaya Bank, Rajnandgaon and thereby the applicant committed the aforesaid offence.

3. Learned counsel for the applicant submits that the applicant has not committed any offence and has been falsely implicated in the case and also no dacoity / robbery has been committed by the applicant as such, he is in jail since 12.04.2015 and charge-sheet has already been filed. He further

submits that out of 14 witnesses, 07 witnesses have been examined and they have been turned hostile and no useful purpose will be served by keeping him in jail.

4. On the other hand, learned counsel for the State opposes the bail application.

5. I have heard counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case; particularly, the statements of the witnesses who have been examined; the role of the applicant and pretrial detention of the applicant since 12.04.2015 and trial is likely to take some more time and further taking into account that there is no incriminating evidence against the applicant to connect him with the crime in question and no further custodial interrogation is required by the prosecution, I am of the considered opinion, *prima facie* that present is the fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application is allowed and it is directed that applicant Raja @ Jaspreet shall be released on bail on his furnishing a personal bond in the sum of **Rs.25,000/-** with one surety in the like sum to the satisfaction of the trial Court. He shall appear before the trial Court on each dates as are given to him till completion of the trial.

Certified copy as per rules.

Sd/-
(Inder Singh Uboweja)
JUDGE