

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 235 of 2016

Yogesh Kumar Sahu, son of Roopkumar Sahu, aged about 20 years,
resident of village Bihajhar, P.S. Mahasamund Civil & Revenue District
Mahasamund (C.G.) ... **Applicant**

Vs.

State of Chhattisgarh, through Station House Officer, Police Station
Tumgaon, District Mahasamund (C.G). ... **Respondent**

For the applicant	:	Mr. Sunil Sahu, Advocate.
For the Respondent	:	Mr. Arvind Shukla, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

27.01.2016

1. This is an application filed u/s 439 of the Code of Criminal Procedure seeking granting of regular bail to the applicant in connection with Crime No. 132 of 2012 registered at Police station Tumgaon, Distt. Mahasamund (C.G) for the offences punishable under sections 392/34 IPC and Sections 25 & 27 of the Arms Act.
2. As per the prosecution case, the applicant along with other co-accused looted silver ornaments valued @ Rs.14,500/- approximately.
3. Learned counsel for the applicant submits that the applicant is in jail since 04.05.2012 and the trial is not concluded for various reasons not attributable to the applicant. He further submits that the applicant has been falsely implicated in the offence in question as nothing has been seized from his possession and similarly placed co-accused Karan Lal Sahu has been released on bail by the co-ordinate Bench of this Court in M.Cr.C.No.3493 of 2015 vide order dated 27.07.2015. He therefore prays for

releasing the applicant on bail.

4. Per contra, learned State Counsel opposes the prayer for grant of bail.
5. Having heard learned counsel for the parties, taking into consideration that the applicant is in jail since 04.05.2012 i.e., more than 3 years, the trial has not been concluded, nothing has been seized from the applicant's possession and considering the fact that similarly placed co-accused has been enlarged on bail by this Court in M.Cr.C.No.3493/2015 as also the fact that the charge sheet in this case has been filed, I am inclined to allow this bail application.
6. Accordingly, this bail petition is allowed and the applicant is directed to be released on bail on his furnishing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court for his appearance before the said Court as and when directed by the said Court.
7. Cc as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**