

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2109 of 2018

- Rajat Diwan @ Golu S/o Harihar Diwan Aged About 30 Years R/o- Bamhnihdih, Tahsil/thana- Bamhnihdih, District- Janjgir Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Thana- Bamhnihdih, District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Respondent

For Applicant : Mr. Samir Singh, Advocate.
For Respondent : Mr. V.B. Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

15/05/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.29/2017, registered at Police Station– Bamhnihdih, District– Janjgir-Champa(C.G.) for the offence punishable under Sections 394, 294, 427, 506, 323 & 332/34 of Indian Penal Code (for short 'IPC').
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. Applicant is in jail since 25.12.2017. After completion of investigation, charge-sheet has been filed. No case is made out against this applicant according to the material present in the charge-sheet. Hence, it is prayed that he may

be released on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that this applicant is a habitual offender and has been earlier prosecuted in 3 cases for offence under the provisions of IPC and one case for offence under the Gambling Act has been proceeded against under the provision of CrPC for preventive action, hence, he is not entitled for grant of bail.
4. In reply, counsel for the applicant submits that out of three previous prosecution this applicant has been acquitted in two of the cases and another one is pending. Hence, this cannot be made a reason for not allowing the application for grant of regular bail.
5. Heard both the parties and perused the case diary.
6. According to the prosecution case, on the date of incident this applicant entered into the foreign liquor shop. After abusing and assaulting the Manager of the shop, he has by force taken Rs.15,330/- from the cash counter of the shop. FIR has been lodged by the complainant Vijendra Kumar Jaiswal. Hence, this case.
7. Considered on the entire material present in the case diary, as the case is before the trial Court and the trial is likely to take some time before its conclusion, hence, no purpose would be served if the applicant is kept in detention till the conclusion of trial. For this reason, I am of this view, that this is a fit case where the applicant should be enlarged on regular bail.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on him furnishing a personal bond for a sum of Rs.25,000/-with one surety in the like sum to the satisfaction of the concerned trial Court, for him

appearance as and when directed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha