

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 2948 of 2018**

Rahul Yadav, S/o. Late Tiharu Yadav, Aged About 21 Years, R/o. Village Khamtarai, behind Rice Mill, Police Station-Sarkanda, District Bilaspur Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through : The Station House Officer, Police Station Kota, District : Bilaspur Chhattisgarh.

----- Respondent

For Applicant	:	Mr. Amit Singh, Advocate
For Respondent	:	Mr. Ashok Swarnakar, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**23/07/2018**

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.308/2017, registered at Police Station- Kota, District – Bilaspur (C.G.) for the offence punishable under Section 392, 201, 34 of the Indian Penal Code.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. Applicant is in jail since 24.11.2017. No case is made out against him. Hence, it is prayed that the applicant may be enlarged on bail.
3. On the other hand, the learned counsel appearing for the State opposes the bail application and the submission made in this respect. It is submitted that the applicant has been prosecuted twice for the offence of theft, hence, he is not entitled for grant of bail.

4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. According to the prosecution case, on the date of incident complainant Ganesh Chandra was looted by some persons by throwing chilly powder in his eyes. Cash Rs.1,60,000/-, one mobile and one tablet were looted from his possession. After lodging of FIR and the investigation at the instance of this applicant, cash of Rs.8,000/- and one motor cycle has been seized and this applicant has been identified in test identification parade.
6. Considered the submissions made and the contents of the case diary. After considering on all the material present in the case diary and also taking into consideration the fact that the trial against the applicant is likely to take sometime for its conclusion, hence for this reason, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular 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.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge