

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6388 of 2018

- Angad Shah S/o Late Rudal Shah Aged About 30 Years Caste- Shah, Occupation- Labour, R/o- Mali Tola, Ward No. 05, Tahsil- Sabor, District- Bhagalpur (Bihar), District : Bhagalpur, Bihar

----Applicant

Versus

- State Of Chhattisgarh Through- District Magistrate/ Station House Officer, Police Station- Pandatarai, District- Kabirdham, Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh

---- Respondent

For Applicant	: Shri Dharmesh Shrivastava, Advocate
For Respondent/State	: Shri Ashutosh Pandey, PL

Hon'ble Smt. Justice Rajani Dubey

Order On Board

04/10/2018

The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody in connection with Crime No. 102/2018 registered at police station Pandatarai District Kabirdham (CG) for the offence punishable under Sections 392, 34 IPC.

As per prosecution case, on 28.07.18, in the morning at about 8-9.00 a.m. complainant went to clean the utensils at a nearby water tank where the present applicant and one unknown person came and asked her to clean the utensils with the powder which they were keeping with them and when she refused to purchase they themselves started cleaning the utensils and her silver anklet. It is further stated that on seeing her husband coming towards them, the applicant and the co-accused ran away from the spot but were caught by the villagers.

Counsel for the applicant submits that the applicant has been falsely

implicated and that he has not looted anything from the complainant. He submits that the case is triable by Judicial Magistrate First Class and the matter is being investigated by the police. He submits that even if the entire case is taken as it is, offence under the above Section is not made out against him. Lastly, he submits that the applicant is in jail since 28.07.2018 and therefore he may be released on bail.

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

Considering the totality of the facts and circumstances of the case, in particular the nature of allegations against the applicant, I am inclined to release him on bail. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is allowed.

It is directed that in the event of the applicant's furnishing a personal bond of Rs. 20,000/- with one surety in the like sum to the satisfaction of the concerned court for his appearance before it as and when directed, he shall be released on bail.

SD/-

(Rajani Dubey)
Judge