

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6708 of 2018**

Sunny Tandi, Aged About 22 Years, S/o Late Shankar Tandi, R/o Valmiki Nagar, Police Station Kabir Nagar, Raipur, Tehsil and District Raipur, Chhattisgarh

---- Applicant**Versus**

State of Chhattisgarh, Through Station House Officer, Police Station Khamtarai, Raipur, District Raipur, Chhattisgarh

---- Respondent

For Applicant. : Ms. Sunita Sahu, Advocate.
For Respondent. : Shri Dilman Rati Minj, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey
Order on Board

10/10/2018

1. The applicant has filed this *First bail application* under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody since 04.06.2018 in connection with Crime No.316/2018 registered at Police Station : Khamtarai, District - Raipur (C.G.) for the offence punishable under Section 392 of the IPC.
2. As per the prosecution case, the FIR was lodged by the complainant Santosh Kumar Markandey alleging in it that on 02.06.2018 at about 9.30 p.m., when he went to purchase some articles on his motorcycle near Patidar Bhawan, the present applicant along with one Rahul Solomen came there and looted his mobile phone and Rs.12,000/- from his pocket and ran away from the spot. Based on this, the offence was

registered against the applicant and he has been arrested.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case. He further argued that there is no legally admissible evidence against the present applicant and the mobile has been seized from the possession of the other accused namely Rahul Solomen. He further submits that the applicant is in custody since 04.06.2018, charge-sheet has been filed and trial will take some more time, therefore, he may be released on bail.
4. On the other hand, State counsel opposes the bail application.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the totality of the facts and circumstances of the case and further considering the fact that the applicant is in custody since 04.06.2018, charge-sheet has already been filed, trial will take some more time and the matter is triable by Chief Judicial Magistrate, this Court is of the opinion that it is a fit case to release the applicant on bail.
7. Accordingly, the application is allowed.
8. It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one surety for the like amount to the satisfaction of the Trial Court for his appearance before the Trial Court as and when directed.

Sd/-
(Rajani Dubey)
Judge