

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 693 of 2019**

- Totaram S/o Kudan Aged About 32 Years Caste Patel, R/o Bhathari, Police Station Jarhagaon, District Mungeli Chhattisgarh, District : Mungeli, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station Banki Mongra, Civil And Revenue District Korba Chhattisgarh, District : Korba, Chhattisgarh

---- Non-applicant

For Applicant	: Shri Mirza Hafeez Baig, Advocate.
For Non-applicant	: Shri Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

15.02.2019

1. This is second bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court. No other bail application is pending before any other Court.
2. Earlier, the first bail application of the applicant has been rejected by the Coordinate Court on 05.12.2007 considering the merits of the case, the second bail application has been decided by the coordinate Bench on 15.07.2009 in MCRC No. 1331/2009 wherein bail was granted to him. His third bail application was dismissed for wants of prosecution by this Court on 15.01.2019 in MCRC No. 8809 of 2018.
3. Perused the case diary provided by the counsel for the State in connection with the Crime No. 118/2007 registered at Banki Mongra, Civil And Revenue District Korba (C.G.) for the offence punishable under Sections 452, 323, 394/34, 379, 398 and 353 of IPC.
4. Case of the prosecution, in brief is that on 9.6.2007 the applicant along with other accused persons entered the house of one Rajesh Agrawal and looted the cash of Rs. 50,000/- and jewelery.
5. Learned counsel for the applicant submitted that the applicant is innocent and falsely implicated. The applicant is facing trial. He was granted bail by order of this Court. Subsequently he remained absent and on 28.06.2016, warrant of arrest was issued against him. In execution thereof, he was arrested and now he is in jail, he may be released on bail.
6. On the other hand, learned counsel for the State opposes the bail application.
7. Coaccused Rajendra has been released on bail by this Court on 14.01.2019 in MCRC 8795 of 2018. the case of the applicant is not severe than coaccused who has been granted bail
8. Accordingly, the present bail application is allowed. It is directed that if the applicant furnishes one solvent surety for a sum of Rs.25,000/- along with a personal bond in the like sum to the satisfaction of the concerned Trial Court with the condition that he will appear before the Trial Court at 11:00 am as and when directed till trial and he would cooperate during the trial, he shall be released on bail.
9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE