

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 766 of 2019**

- Nilesh Soni @ Lalu, S/o Late Babulal, age about 26 years, R/o Telipara, Gali No. 2, Police Stationi City Kotwali, District- Bilaspur, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through- Police Station Hirri, District- Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Sunil Otwani, Advocate.
For Respondent/State	:	Shri Amit Singh, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**08/03/2019**

1. The Applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 208/2017, registered at Police Station- Hirri, District- Bilaspur, (C.G.), for the offence punishable under Sections 394, 341, 201, 365, 120-B read with Section 34 of the Indian Penal Code.
2. As per the prosecution story, on 29.10.2017, Complainant Rahul Aadin was intercepted by four persons and by intimidating him his cash, wallet, mobile and laptop was forcefully taken from him. The Complainant was rescued by jumping from running car and thereafter, matter was reported. On the basis of the said, offence has been registered. The Applicant has been taken into custody on 28.02.2018.
3. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. He further submits that during TIP, Complainant identified the Applicant but as per prosecution story the incident took place on 28.10.2017 at about 10:15 pm and no any description of assailant has been mentioned in the FIR therefore after five months during TIP

identification of the Applicant is suspicious. He further submits that Applicant has been taken into custody on 28.02.2018 and trial will take time. Therefore, he may be released on bail.

4. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the Applicant is in custody since 28.02.2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
7. Accordingly, the bail 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 solvent surety for the like amount to the satisfaction of the concerned Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge