

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 858 of 2019**

Anil Tulsi Joshi S/o Tulsiram Maheshwar Joshi, aged about 38 years R/o Shanti Nagar, Master Wadi, Mud Island, Police Station Maloni, Mumbai (Maharashtra)

--- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station Telibandha, Raipur, District Raipur (C.G.)

---- Respondent

For Applicant	:	Mr. Aditya Khare, Advocate
For Respondent	:	Mr. K.K. Dewangan, Dy. Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

26/02/2019

1. The Applicant has preferred this Second Bail application under Section 439 of the Cr.P.C for grant of regular bail as he is arrested in connection with Crime No. 343/2016 registered at Police Station Telibandha, Raipur, District Raipur (C.G.) for the offence punishable under Sections 420, 34 of the IPC.
2. First Bail application of the Applicant was dismissed for want of prosecution vide order dated 28/09/2018 passed in MCRC No. 6268/2018.
3. As per prosecution story, Complainant Narendra made a report alleging therein that on 23/10/2016 he received a demand order through phone for delivery of three cameras at John Boy The Park Hotel, on which he went for delivery of the said cameras, where the Applicant received him on main gate of hotel and taken the camera for showing it to his Boss. It is alleged that thereafter, the Applicant and

other co-accused persons fled away from there. Offence has been registered and the Applicant has been taken into custody on 06/05/2018.

4. Learned counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the present case. He further submits that the Applicant is in jail since 06/05/2018, offence is triable by the Judicial Magistrate First Class, the Applicant has no known criminal antecedent, charge-sheet has been filed and trial will take time, therefore, he may be released on bail.
5. Counsel appearing on behalf of the State also opposes the bail application.
6. I have heard learned counsel for both the parties.
7. Considering the entire facts and circumstances of the case, particularly considering the fact that the Applicant is in custody since 06/05/2018, the matter is triable by the JMFC, charge-sheet has been filed and trial will likely to take some time, without further commenting on merit of the case, I am inclined to release the Applicant on bail.
8. Accordingly, the bail application is allowed.
9. It is directed that the Applicant shall be released on bail on his 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 said Court, as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge