

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1264 of 2019**

- Kailash Shah S/o Late Thakur Shah Aged About 45 Years R/o Bisnichak Chandpur, Post Officer And Police Station- Falka, District- Katihar, Bihar..

---- Applicant**Versus**

- State of Chhattisgarh Through The Station House Officer, Police Station- Dhamtari, District- Dhamtari, Chhattisgarh.

---- Respondent

For Applicant	: Ms. Madavi Bhardwaj, Advocate.
For Respondent/State	: Shri Sumit Singh, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**07/03/2019**

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. 128/2018, registered at Police Station – Dhamtari, District - Dhamtari, (C.G.) for the offence punishable under Section 454, 392/34 of IPC.
2. As per the prosecution story, on 10.03.2018 a report was made by the Complainant Malti Sahu against two unknown persons, wherein it has been stated that two persons entered in her house, threatened her and looted gold ornaments amounting to Rs. 85,000/- and fled away from the spot. During course of investigation, on the basis of memorandum statement of the present Applicant and other co-accused person, looted ornaments have been seized from their possession. On the basis of the said, offence has been registered. The present Applicant has been taken into custody on 27.05.2018.
3. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. She

further submits that Complainant and another eye-witness i.e. mother of the Complainant were examined before the Trial Court and they have not supported the case of the prosecution and turned hostile. She further submits that co-accused namely Ajay Shah has already been granted bail by this Court vide order dated 29.01.2019 passed in MCRC No. 10061/2018. The Applicant is in custody since 27.05.2018 and trial will take some 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 Complainant and her mother both were examined before the Trial Court and they have not supported the case of the prosecution and turned hostile, Applicant is in custody since 27.05.2018 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. 2,00,000/- with two local solvent sureties each of Rs. 1,00,000/- to the satisfaction of the concerned Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge