

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1772 of 2019**

Aakash Kumar Baghel S/o Late Suraj Prasad Baghel Aged About 26 Years R/o Behind Bus Stand Belgahna, Tahsil Kota, District- Bilaspur, Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Petitioner

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Kota, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Nitesh Shrivastava, Advocate
For Non-applicant	:	Mr. Sumit Singh, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

02/04/2019

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 384/2017 registered at Police Station: Kota, District: Bilaspur (C.G.) for the offence punishable under Sections 393 read with Section 34 of the Indian Penal Code.

(2) Case of the prosecution, in brief, is that on 23.11.2017 the applicant along with other co-accused persons attempted to commit robbery from complainant Suresh Tandon and thereby committed the offence.

(3) Learned counsel for the applicant would submit that the applicant has not committed any offence and he has falsely been implicated in crime in question. He is in jail since 9.12.2018, charge-sheet has already been filed and no useful purpose would be served by detaining him in jail. Therefore, he may be released on regular bail.

- (4) On the other hand, the learned State counsel opposes the bail application.
- (5) I have heard learned counsel appearing for the parties and perused the case diary.
- (6) Taking into consideration the facts and circumstances of the case, nature and gravity of the offence, material available in the case diary, pre-trial detention of the applicant since 9.12.2018 and there is no previous criminal antecedent of the applicant, the fact that he is local resident of District Bilaspur and charge-sheet has already been filed, I am of the view that the applicant should be released on regular bail.
- (8) Consequently, the application under Section 439 of the CrPC is allowed. The applicant is directed to be released on bail on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.
- (9) Certified copy, as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge