

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 2323 of 2019

- Manglu Patel S/o Gularam Patel Aged About 41 Years R/o Village Sendri Pali, Tahsil and Police Station Kharsiya, Civil and Revenue District Raigarh (C.G.)
(wrongly mentioned in Manglu Patail S/o Gularam Patail in the cause title of impugned order)

---- Applicant

Versus

- State of Chhattisgarh Through Police Station Janjgir, District Janjgir Champa, Chhattisgarh.

---- Non-Applicant

For Applicant	: Shri Deepak Kumar Singh, Advocate.
For State/respondent	: Mrs. Madhunisha Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

16/04/2019

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.107/2019, registered at Police Station – Janjgir, District Janjgir-Champa (C.G.), for the offence punishable under Section 380, 34 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 16.02.2019. He is not at all involved in the offence that is alleged to have been committed. According to the evidence proposed in the present case, the recovery of cash amount from the applicant, does not connect him with the offence. Therefore, it is prayed that the applicant may be enlarged on bail.
3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. Submission of the

learned counsel for the State is that the applicant have been twice arrested for under Section 420 of the Indian Penal Code. Therefore, he is not entitled for grant of regular bail.

4. I have heard the learned counsel for both the parties and perused the case diary.
5. Complainant lodged FIR to the effect that the applicant came to his house alongwith co-accused Dileshwar Goswami for doing some 'Pooja' on 15.02.2019. While performing the Pooja the complainant was outside the bedroom where the Pooja was being performed. When the complainant went inside the room after completion of the Pooja, he found that Rs. 5,00,000 kept in his house inside a Deewan was missing.
6. After considering on the material present in the case diary and that the case is pending for trial, I feel inclined to allow this application. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that applicant shall be released on bail on her furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for her appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge