

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2922 of 2019**

- Sonu Makhija S/o Yogesh Makhija Aged About 23 Years R/o Boirdadar, Police Station - Chakradhar Nagar, Raigarh Tahsil and District Raigarh, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Chakradhar Nagar, Raigarh District Raigarh, Chhattisgarh.

---- Respondent

For Applicant	: Smt. Indira Tripathi, Advocate.
For Respondent/State	: Smt. Smita Ghai, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**16/05/2019**

1. The Applicant has preferred this second bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 65/2019, registered at Police Station – Chakradhar Nagar, Raigarh, District- Raigarh, (C.G.) for the offence punishable under Section 394/34 of the Indian Penal Code.
2. First bail application of the Applicant was dismissed as withdrawn vide order dated 22.04.2019 passed in MCRC No. 2697/2019.
3. As per the prosecution story, on the date of incident, the complainant Bajrang Sarthi went to Tarpali Mandi to unhold the paddy in the truck and when he reached near Gopalpur pond, allegedly, present Applicant and other co-accused persons looted a sum of Rs. 1,100/- from the complainant and also tried to loot the aforesaid truck. On the basis of the said, offence has been registered. During course of investigation, Rs. 100/- has been seized from the possession of the present Applicant. He has been taken into custody on 05.03.2019.

4. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case due to some dispute. He further submits that co-accused person has already been granted bail by Additional Session Judge, vide order dated 23.03.2019. Applicant has no previous antecedent. He is in custody since 05.03.2019, charge-sheet has been filed and trial is likely to take some time. Therefore, he may be released on bail.
5. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
6. I have heard learned Counsel for the parties and perused the case diary.
7. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that Applicant has no previous antecedent, he is in custody since 05.03.2019 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
8. Accordingly, the bail application is allowed.
9. 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