

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4039 of 2019

- Vinay Malik S/o Lt. Rajendra Malik, aged about 19 years, R/o Babu Upnagar Near Lakhani Mandhir, P.S. Torwa Tahsil and District- Bilaspur, (C.G.)

---- Applicant

Versus

- State of Chhattisgarh Through : The Police Station Tarbahar, District – Bilaspur, (C.G.)

---- Respondent

For Applicant	: Shri Pravin Kumar Tulsyan, Advocate.
For Respondent/State	: Shri Amit Singh, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

17/07/2019

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. 100/2018, registered at Police Station – Tarbahar, District – Bilaspur, Chhattisgarh, for the offence punishable under Sections 392, 414, 411/34 of the IPC.
2. First bail application of the Applicant was earlier dismissed as withdrawn with liberty to file afresh after examination of complainant and her son vide order dated 27.08.2018 passed in MCRC No. 5511/2018.
3. As per the prosecution story, on 01.04.2018, at about 5:30 am, when complainant namely Devika Bai was going for morning walk, allegedly, near Shiv Temple present Applicant came there on motorcycle and snatched her gold necklace from her neck. Thereafter, matter was reported by Complainant, and on the basis of the said, offence has been registered against unknown person. During course of investigation, the said snatched gold necklace was recovered from the

possession of co-accused namely Rakesh Soni. Allegation against the present Applicant is that, he snatched the necklace from Complainant. Applicant has been taken into custody on 20.04.2018.

4. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. He further submits that F.I.R. has been lodged against unknown person and no T.I.P. has been conducted during investigation. He also states that Complainant has already been examined before the trial Court and she herself has admitted the fact that at the time of incident, face of the assailant was covered with cloth. It is further submitted that there is no other evidence available against the present Applicant. Applicant is in jail since 20.04.2018 and trial will 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 with due care.
7. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that Applicant is in custody since 20.04.2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
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