

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3984 of 2019

Dhomo @ Yogeshwar Patel, S/o. Jairam Patel, Aged About 36 Years, R/o. Village Kuteli, P.S. Malhar, Thana Masturi, District Bilaspur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Police Station -Masturi, District Bilaspur Chhattisgarh.

---- Respondent

For Applicant : Mr. J.K. Gupta, Advocate

For Respondent/State : Mr. Avinash K. Mishra, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

30/07/2019

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.209/2019, registered at Police Station – Masturi, District – Bilaspur (C.G.) for the offence punishable under Section 457, 380, 511 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. No case is made out against the applicant. The applicant is in jail since 02.06.2019. The applicant has no previous criminal antecedents and charge-sheet in this case has been filed after completion of investigation. Therefore, it is prayed that the applicant may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case on the intervening night of 1-2/06/2019, the applicant committed house trespass in the house of complainant Kanti Bai Yadav and attempted to commit the offence of theft. When his presence was discovered by the family members, then he made his escape. Thereafter, the FIR has been lodged.
6. Considered on the submissions made and the contents of the case diary. After considering the entire material present in the case diary and for the reason that the case is now before the trial court pending for trial, hence for this reason, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on his 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 his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge