

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4479 of 2019

- Sunil Kumar Rajak @ Nanhu S/o Sahdev, Aged About 23 Years, R/o Village Bajarpara Patna (Dhobipara), Police Station- Patna Tahsil Baikunthpur, District- Koriya, Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Aarakshi Kendra, Surajpur, District- Surajpur, Chhattisgarh., District : Surajpur, Chhattisgarh

---- Non-applicant

For Applicant – Shri Gyan Prakash Shukla, Advocate.

For Non-applicant/State – Shri Vimlesh Bajpai, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

31-07-2019

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 12-03-2019 in connection with Crime No.407/2018 registered at P.S. - Aarakshi Kendra, Surajpur, District- Surajpur, Chhattisgarh for the offence under Section 458, 392/34 of the IPC.
2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 12-03-2019. No case is made out against the applicant. The case is pending before the trial Court. Therefore, it is prayed that the application may be allowed.
3. Learned counsel for the State/non-applicant opposes the application.
4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, the FIR was lodged by the complainant that on 22-10-2018 at about 10:30 p.m. three unknown persons having masked their faces forced their entry into the house of the complainant and looted jewelry and cash from the possession of the complainant. During

investigation only recovery of some cash has been made from the possession of this applicant.

6. As there is no test identification parade of the applicant and the recovery that has been made, has not been identifiable article and further for the reason that the case is pending for trial, I feel inclined to allow this application.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the 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 Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge