

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4636 of 2019

- Himanshu Goshwami S/o Prakash Goshwami, Aged About 23 Years, R/o Village Torla, Police Station Gobra Navapara, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Police Station Rajim, District Gariyaband Chhattisgarh., District : Gariyabandh, Chhattisgarh

----Non-applicant

For Applicant – Ms. Laxmin Kashyap, Advocate.

For Non-applicant/State – Mr. Priyanshu Gupta, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

16-08-2019

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 28-12-2018 in connection with Crime No.341/2018 registered at Police Station - Rajim, District Gariyaband, Chhattisgarh for the offence under Section 394/34 of the IPC.
2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 28-12-2018. This applicant has not committed any offence. The trial against him is pending which is likely to take some time. 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, it is alleged that this applicant robbed complainant Noor Singh of his possessions, two mobile phones and cash Rs.9500/-. The FIR was lodged against unknown persons. During investigation one mobile phone was seized from his possession which has been identified as looted property. Hence, this case.

6. As the case is pending for trial and the applicant has undergone about 8 months in jail, therefore, looking to the delay in conclusion of the trial and also that this applicant does not have any criminal antecedent, 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