

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4961 of 2019**

Kirtan Lal Jangde S/o Dhan Singh, aged about 35 years R/o Village Rampur, Out Post Hardi Bazar, Police Station Kusmunda, District Korba (C.G.).

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Dipka, District Korba Chhattisgarh.

---- Respondent

For Applicant	: Mr. Dharmesh Shrivastava, Advocate.
For Respondent/State	: Mr. Alok Nigam, Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

20/08/2019

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with Crime No. 235/2018, registered at Police Station Dipka, District Korba (C.G.) for the offence punishable under Section 395 of the IPC and Section 25 & 27 of the Arms Act.
2. In this case there are total 6 accused persons. On 21.09.2018, Complainant Dhanaram Suryawanshi lodged a report in concerned police station alleging therein that on 20.09.2018 Sajid Khan, Tofique Khan, Lal Singh and other unknown persons stolen diesel from one Dozer and thereafter they fled away from the spot. On the basis of said report, offence has been registered against unknown persons. Allegedly, the applicant is also involved in the crime in question. During course of investigation one axe has been seized from his possession, he is custody since 14.01.2019.
3. Learned counsel appearing on behalf of the applicant submits that the

applicant is innocent and has been falsely implicated in the present case. He further submits that the name of the applicant is not mentioned in the FIR. Though, the Applicant was identified in test identification parade, that was too suspicious. He further submits that the Applicant is custody since 14.01.2019, co-accused Suraj Kumar Korram has already been released on bail vide order dated 16/05/2019 passed in MCRC No. 2286/2019, charge-sheet has been filed and trial is likely to take some time. Therefore, the applicant may be released on bail.

4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for both the parties.
6. Considering the facts and circumstances of the case, particularly the fact that the applicant is in custody since 14-01-2019, co-accused Suraj has already been released on bail, charge-sheet has been filed and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release the applicant on bail.
7. Accordingly, the bail application is allowed.
8. 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 local solvent surety for the like sum to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)

Judge