

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6284 of 2019

- Ashok Kumar Sarthi S/o Shri Jayprakash Sarthi Aged About 20 Years R/o Village Kharwanipara, Taluka Baramkela, District Raigarh Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through P. S. Baramkela, District Raigarh Chhattisgarh

---- Respondent

For Applicant	: Shri Veerendra Verma, Advocate
For Respondent /State	: Shri Anurag Verma, PL

Hon'ble Smt. Justice Rajani Dubey

Order On Board

29/11/2019

The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody in connection with Crime No.200/2019 registered at police station Sarangarh district Raigarh (CG) for the offence punishable under Sections 457 and 380 IPC.

As per prosecution case, a report was lodged by the complainant alleging that the applicant had lurked house-trespass at night and committed theft of mobile phone worth Rs. 5,000./-, imitation jewelery worth 1,000/- and cash of Rs. 5,000/-.

Counsel for the applicant submits that the applicant has been falsely implicated in the crime. He submits that the applicant is in jail

since 26.04.19; the charge sheet has been filed and looking to the conduct of the prosecution, it is clear that the trial will take time for its conclusion and therefore he may be released on bail.

On the other hand counsel for the State opposes the bail application.

Having heard counsel for the parties, considered the totality of the fact, taking into account the nature and gravity of offence and the plea raised by the applicant that he has been falsely implicated, I am inclined to release him on regular bail. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is allowed

. It is directed that on furnishing a personal bond in the sum of Rs. 1,00,000/- with two sureties, one of whom shall be local surety in like sum to the satisfaction of the concerned court for his appearance as and when directed, the applicant shall be released on bail, subject to the following conditions:

- (i) That, the applicant shall furnish a specific undertaking that while on bail, he will not commit any offence of the like nature, otherwise bail granted to him shall be liable to be cancelled and shall co-operate the prosecution during trial.
- (ii) That the applicant shall make himself available for interrogation before the concerned investigating officer as and when required and shall not, directly or indirectly allure or make any inducement, threat or promise to the prosecution witnesses, so as to dissuade them from disclosing truth before the Court;
- (iii) That the applicant shall not commit any offence or involve in any criminal activity;
- (iv) That the accused/applicant shall not act, in any manner, which will be prejudicial to fair and expeditious

trial.

(v) In case of his involvement in any other criminal activity or breach of any other aforesaid conditions, the bail granted in this case may also be cancelled.

Certified copy as per rules.

Sd/-
(Rajani Dubey)
Judge