

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6126 of 2019**

- Vinay Baghel S/o Sahdev Baghel, aged about 19 years, R/o village Anda Tehsil and District Durg (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : The District Magistrate, District Durg (C.G.)

---- Respondent

For Applicant	:	Shri Vijay Kumar Sahu, Advocate
For Respondent	:	Ms. Akshara Amit, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****19/11/2019**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.203/2019, registered at Police Station – Durg, District Durg (C.G.) for the offence punishable under Sections 457, 380, 34 IPC.
2. The prosecution story in brief is that complainant Imran lodged a report stating therein that in the night intervening 23-24/02/2019, some unknown person committed theft in his shop and stolen clothes worth of Rs.20,000/-. During investigation, one juvenile accused was interrogated, his memorandum statement was recorded in which he confessed to have committed the offence along with the present applicant. Based on this, offence has been registered. The present applicant has been taken into custody on 25.05.2019.
3. Learned counsel for the applicant submits that the applicant

is innocent and has been falsely implicated in the case. He further submits that only on the memorandum of other accused person, the present applicant has been arrested and nothing has been seized from his possession. He also submits that the applicant is in custody since 25.05.2019, the case is triable by Magistrate, charge sheet has been filed and there is no likelihood of his case being decided in near future. Therefore, he may be released on bail.

4. On the other hand, counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the totality of the facts and circumstances of the case, quality of evidence and further considering the fact that, the applicant is in custody since 25.05.2019, the case is triable by Magistrate and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one solvent surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as and when directed.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge