

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6330 of 2019

- Kanhaiya Sahu S/o Herasingh Sahu Aged About 32 Years R/o Boriyakala Bramhanpara Police Station Mujgahan District Raipur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through S.H.O. Police Station Kondagaon District Kondagaon Chhattisgarh.

---- Respondent

For Applicant	: Shri Hemant Gupta, Advocate
For Respondent/State	: Shri Anil Tripathi, 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. 141/2018 registered at police station Kondagaon, district Kondagaon (CG) for the offence punishable under Sections 457 and 380 IPC.

Prosecution case in brief is that report was lodged by the complainant alleging that the applicant has committed theft of gold and silver jewelery worth 4,00,000/- by house breaking in the night.

Counsel for the applicant submits that the applicant has been falsely implicated in the crime. He submits that the applicant is in jail since 25.10.18 and the trial will take time for final disposal and

therefore he may be released on bail.

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

Considering the totality of the facts and circumstances of the case, in particular the detention period of the applicant, I am inclined to release him on regular bail. Accordingly, their 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, which includes one 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

suguna