

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6548 of 2019

- Rajiv @ Nilesh Soni S/o Chhedilal Soni Aged About 20 Years Occupation- Cloth Seller, R/o Gaiytri Temple Chowk- Chatidih, Police Station Sarkanda Tahsil And District- Bilaspur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Sarkanda, District Bilaspur Chhattisgarh.

---- Respondent

For Applicant	: Shri Sanjeev Kumar Sahu, Advocate
For Respondent/State	: Shri B.L.Sahu, PL

Hon'ble Smt. Justice Rajani Dubey

Order On Board

02/12/2019

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.637/2019 registered at police station Sarkanda, District Bilaspur (CG) for the offence punishable under Section 394 IPC.

Case of the prosecution in brief is that a report was lodged by the complainant alleging that while he was going to Bhatapara from Pendra, on the way, he was apprehended by the applicant and three other accused persons, assaulted him and looted one mobile, cash of Rs. 9,000/-, Laptop worth 8.000/- and cash of Rs. 3,000/-, his passbook, *Aadhar* Card, PAN Card, license and other articles.

Counsel for the applicant submits that the applicant has been falsely implicated and that the offence as alleged is not made out against him. He submits that similarly placed co-accused has already been granted bail by this Court in M.Cr.C. No. 5397/2019 and therefore the applicant may also be granted the benefit. He submits that the applicant is in jail since 13.07.2019; the charge sheet has already been filed and looking to the conduct of the prosecution it is clear that the trial will take time for its conclusion.

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

Having heard counsel for the parties, considered the totality of the fact, in particular the detention period of the applicant and the fact that the co-accused has been granted bail by this Court, 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 in the event of the applicant's furnishing a personal bond in the sum of Rs. 25,000/- with one surety for the like sum to the satisfaction of the concerned Court, he shall be released on bail.

Sd/-
(Rajani Dubey)
Judge