

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7610 of 2019

- Raj Birendra Shah S/o Birendra Shah Soni Aged About 19 Years R/o Nikhil Jewellers Bus Stand, Salhekasa, Tahsil And Post Salhekasa, District Gondiya, Maharashtra.

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate Raipur, District Raipur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Rekhraj Baghel, Advocate.
For Respondent/State : Mr. Amit Kumar Verma, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

02/12/2019

1. The applicant has preferred this second bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 340/2019, registered at Police Station –Civil Line, District- Raipur (C.G.) for the offence punishable under Section 392 & 34 of the IPC.
2. First bail of the applicant was dismissed for want of prosecution vide order dated 06.09.2019, passed in MCRC No. 5916/2019.
3. In this case, there are two accused persons. As per prosecution story, on 26.05.2019 at about 10:30 PM, when complainant Virendra Pandey walking and he was talking over his mobile phone, allegedly, the applicant along with other co-accused person namely Vivek Verma snatched mobile phone from the complainant. On the basis of report made by complainant, offence has been registered. The applicant is in

custody since 03.06.2019.

4. 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 co-accused Vivek Verma has already been granted benefit of bail by this Court vide order dated 08.08.2019, passed in MCRC No. 4519/2019. The applicant has no criminal antecedent, he is in custody since 03.06.2019, charge-sheet has already been filed and trial is likely to take some time. Therefore, the applicant may be released on bail.
5. Per contra, learned counsel appearing on behalf of State opposes the bail application.
6. I have heard learned Counsel for both the parties.
7. Considering the facts and circumstances of the case and evidence collected by the prosecution, further considering the fact that co-accused Vivek Verma has already been granted benefit of bail by this Court, the applicant has no criminal antecedent, he is in custody since 03.06.2019, charge-sheet has already been filed and trial is likely to take some time, without further commenting on other merits of the case, I am inclined to release the applicant on bail.
8. Accordingly, the bail application is allowed.
9. It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 25,000/- 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