

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 10061 of 2018

- Ajay Shah S/o Mahendra Shah Aged About 38 Years R/o Sameli, Post Office And Police Station- Kursela, District- Katihar (Bihar)

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station- Dhamtari, District- Dhamtari, Chhattisgarh.

---- Respondent

For Applicant	: Shri Shivendu Pandya, Advocate.
For Respondent/State	: Shri DP Singh, Dy. GA.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

29/01/2019

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime no. 128/2018, registered at Police Station Dhamtari, District Dhamtari (C.G.) for the offence punishable under Section 454, 392/34 of the IPC.
2. As per the prosecution story, on 10.03.2018 a report was made by complainant Malti Sahu against two unknown persons, wherein, it has been alleged that two persons entered in her house, threatened her and looted gold ornaments amounting to Rs. 85,000/- and fled away from the spot. On the basis of above report, offence has been registered. During course of investigation, on the memorandum statement of the present applicant and other co-accused person, looted ornaments have been seized from their possession. It was further stated that the incident was witnessed by the mother of the complainant. The applicant is in custody since 27.05.2018
3. Learned counsel appearing on behalf of the applicant submits that

applicant is innocent and has been falsely implicated in the present case. He further submits that the complainant and her mother both were examined before the Trial Court and they have not supported the case of the prosecution and turned hostile. The applicant is in custody since 27-05-2018 and trial will take some time, therefore, he may be released on bail.

4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for both the parties.
6. Considering the facts and circumstances of the case and evidence collected by the prosecution, further considering the fact that the complainant and her mother both were examined before the Trial Court and they have not supported the case of the prosecution and turned hostile. The applicant is in custody since 27-05-2018 and trial will likely to take some time, without further commenting on merits of the case, I am inclined to release the applicant on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 2,00,000/- with two local solvent sureties each of Rs. 1,00,000/- to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)

Judge