

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 614 of 2020

Nilesh Soni S/o Late Babulal aged about 26 years, R/o Telipara, Gali No. 2, Police Station City Kotwali, District - Bilaspur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through S H O Police Station Bhatti, District Durg Chhattisgarh.

---- Respondent

For Applicant : Mr. Amit Soni, Advocate.
For Respondent/State : Mr. Anand Verma, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

08.06.2020

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. 25/2018, registered at Police Station – Bhilai-Bhatti, District-Durg (C.G.) for the offence punishable under Section 365, 386, 294 & 323 of IPC.
2. The first bail application of the Applicant was dismissed for want of prosecution vide order dated 17.10.2019 passed in MCRC No.5378/2019.
3. In this case there are total 03 accused persons. According to the case of the prosecution, on 16.02.2018, 03 persons intercepted the complainant Bhadur Singh and they beated and looted cash and ATM card from the complainant. Thereafter, he was left alone by the assailants. The matter was reported by the complainant. On the basis of report made by the complainant, offence has been registered.

4. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. He further submits that the Applicant is in custody since 28.02.2018, charge sheet has been filed and trial is likely to take some time. He lastly submits that after filing of the charge-sheet, statement of the complainant were recorded and in his Court statement he has not identified the present Applicant. Therefore, he may be released on bail.
5. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
6. I have heard learned Counsel for the parties.
7. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the the applicant is in custody since 28.02.2018, charge sheet has been filed 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.
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. 20,000/- 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.

Sd/-
(Arvind Singh Chandel)
Judge