

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 930 of 2020**

- Vicky @ Virendra Ahirwar S/o Narayan Ahirwar, aged about 21 years, R/o Gram Kochabhawar, Bhumiyaipada, P.S. Navabad, District Jhansi (Uttar Pradesh)

---- Applicant**Versus**

- State of Chhattisgarh Through : Police Station Kotwali, District Raipur (C.G.)

---- Respondent

For Applicant	:	Shri Salvik Tiwari, Advocate
For Respondent	:	Shri H.S. Ahluwalia, Dy. A.G.

Hon'ble Smt Justice Rajani Dubey**Order on Board****23/03/2020**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.380/2019, registered at Police Station – Kotwali, District Raipur (C.G.) for the offence punishable under Sections 457, 380, 120-B and 34 IPC.
2. The prosecution story, in brief, is that complainant Ashok Kumar Raikwar made a written report at police station Kotwali, Raipur stating therein that on 31.07.2019 some unknown persons, after breaking lock of his shop situated at Shanti Vijay Market, committed theft of cash of Rs.5,00,000/- (Rs. Five Lac only). During investigation, the applicant and other accused persons were taken into custody, their statements were recorded and cash of Rs.3,24,000/- from stolen amount was seized from their possession. Based on this, offence has been registered. The present applicant has been taken into custody on 18.10.2019.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that the applicant has been arrested only on the memorandum statement and it is not established beyond reasonable doubt that the seized stolen cash was of the shop of the complainant. He also submits that vide order dated 24.01.2020 other co-accused person namely Ganesh Shankar Verma has already been granted bail in MCRC No.7778/2019 by this Court. As the applicant is in custody since 18.10.2019, charge sheet has been filed and there is no likelihood of his case being decided in near future, therefore, he may be released on bail.
4. On the other hand, learned counsel for the State opposed the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the totality of the facts and circumstances of the case, nature of offence and further considering the fact that other co-accused person has already been granted bail by this Court, the applicant is in custody since 18.10.2019, charge sheet has been filed and the trial is 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 his executing a personal bond for a sum of Rs.50,000/- with one local surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as and when directed, till the final disposal of the trial.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge