

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1152 of 2020**

- Kamal @ Kunal Handa, S/o Late Shri Jugal Kishore Handa, Aged about 42 years, R/o 18/14/3, Old Govindpura, Krishna Nagar, PS Jagatpuri, Delhi, District New Delhi.

---- Applicant

Versus

- State of Chhattisgarh, Through – District Magistrate, Raipur District Raipur (C.G.)

Respondent

For Applicant : Mr. N. Naha Roy, Advocate.

For Respondent/State : Mr. H.S. Ahluwalia, Dy. A.G.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****21.07.2020**

- The accused/applicant has moved this second bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 311/2019 registered at Police Station- City Kotwali, Raipur (C.G.) for the offence punishable under Sections 420 and 408 of the Indian Penal Code, 1860.
- The first bail application of the applicant was dismissed as withdrawn by the Hon'ble Court on 08.11.2019 passed in MCRC No. 5133/2019 and a liberty was given to the applicant to file the same at an appropriate stage.
- The prosecution story, in brief is that, on 27.06.2019 one Preetesh Soni and his companions namely Anup Bera, Jahidul Islam Sheikh and Tarun Samanta filed a written complaints alleging that on 18.06.2019 one V. Kumar, the owner of Siyaram Jewellers and his companions Kamal and Manoj had flew away taking gold to the tune of 2597.460 gms.
- Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in this case. He further submits that the prosecution has prepared a concocted case and

the same is not substantiated with suitable evidence. He next submits that the main allegation is against the co-accused persona and the present applicant is in jail since last one year i.e. since 15.07.2019, therefore, the present applicant may be released on bail.

- On the other hand, counsel for the State opposes the bail application.
- I have heard learned counsel for the parties and perused the case diary.
- Taking into consideration the nature and gravity of the offence, facts and circumstances of the case and particularly the detention period of the applicant, as trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
- Accordingly, the bail application is allowed.
- It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 1,00,000/-, 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.

Sd/-
(Rajani Dubey)
Judge

Vasant