

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1188 of 2020**

- Nitin Dahariya S/o Ramkumar Dahariya Aged About 20 Years R/o Dadar Bhatapara, In Front Of Milghar, Police Station Bhilai-3, At Present R/o Bade Ashok Nagar, In Front Of Durga Chowk, Satnami Mohalla, House Of Bhuri Bai Narang, Police Station Gudhiyari, Raipur District Raipur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Kumhari, District Durg Chhattisgarh.

---- Respondent

For Applicants	:	Mr. S.K. Agrawal, Advocate.
For Respondent	:	Ms. Reena Singh, PL

Hon'ble Smt. Justice Rajani Dubey**Order on Board****06.03.2020**

- The accused/applicants has moved this first bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 221/2019 registered at Police Station – Kumhari, District Durg (C.G.) for the offence punishable under Section 394, 411 of the IPC.
- The prosecution story in nutshell is that, one Yatindra kumar Dewangan has lodged report against unknown person before the concerned police station alleging that on 11.12.2019, while he was returning with his wife and daughter though scooty from village Limtara to his village Kurud, at that time, applicant along with co-accused persons came there, assaulted them and looted Rs. 1,700/- cash, mobile phone, some golden ornaments and other documents. Based on that, after investigation, offence has been registered against the

applicant and he has been arrested.

- Learned counsel for the applicant submits that the applicants is innocent and has been falsely implicated in the case. He further submits that the first memorandum has been recorded on 13.11.2019 and further a memorandum has been recorded on 07.12.2019 and implicated the applicant by cooking a concocted story. He next added that the applicant is in jail since 08.12.2019 and he is ready to furnish adequate surety and shall abide by all the directions and conditions imposed upon him by the Court, therefore, the present applicant may also be granted bail.
- On the other hand, counsel for the State strongly opposes the bail application and submits that in the TIP, complainant clearly identified the applicant.
- I have heard learned counsel for the parties.
- Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of the applicant, as the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.
- Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 50,000/-, with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the said Court on each and every date given to him by the said Court.

Sd/-
(Rajani Dubey)
Judge