

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1861 of 2020**

- Kanhaiya Sai @ Kondu (wrongly written in the order sheet which may be read as Kanhaiya Sahu), aged 32 years, S/o Herasingh Sahu, R/o Boriyakala Bramhanpara, P.S. Mujgahan, District Raipur (C.G.).

---- Applicant**Versus**

- State of Chhattisgarh Through : The Station House Officer, Police Station Kotwali, Jagdalpur, District Jagdalpur (C.G.)

---- Respondent

For Applicant	:	Shri Hemant Gupta, Advocate
For Respondent	:	Shri Siddharth Dubey, Dy. G.A.

Hon'ble Smt Justice Rajani Dubey**Order on Board****10/06/2020**

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.150/2018, registered at Police Station – Kotwali, Jagdalpur, Civil and Revenue District Bastar (C.G.) for the offence punishable under Sections 457 and 380 IPC.
2. The prosecution story, in brief, is that complainant Atikur Rahman made a written report at police station Kotwali, Jagdalpur stating therein that in the night intervening 22/23.04.2018, some unknown persons, after breaking lock of his shop 'Ghar Sansar Sale', committed theft of jewellery and other articles amounting to Rs.1,65,000/-. During investigation, the applicant was taken into custody, his

statement was recorded wherein he admitted his guilt. Based on this, offence has been registered. The present applicant has been taken into custody on 10.01.2019.

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. He also submits that the applicant is in custody since 10.01.2019 and he has already served half of the sentence, 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 record.
6. Considering the totality of the facts and circumstances of the case, nature of offence and further considering the fact that the applicant is in custody since 10.01.2019, 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 solvent surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as and when directed.

9. It is made clear that if the applicant has already been released on bail pursuant to the bail bonds already furnished in view of the order passed by the High Power Committee constituted in compliance of the order of the Supreme Court of India dated 23.03.2020 in the matter of **In Re : Contagion of COVID 19 Virus in Prisons** (Suo Moto Writ Petition (c) No. 1/2020), he need not furnish bail bonds afresh and the bail bonds already furnished shall be deemed to be the bail bonds furnished in compliance of the order of this Court, but if he has not furnished the bail bonds earlier, then he will be required to furnish bail bonds within four weeks from today.

Certified copy, as per rules.

Sd/-

(Rajani Dubey)
Judge

Pekde