

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1938 of 2020**

- Dilip Das Mahant S/o Jivandas Mahant, aged about 22 years, R/o Kaidimuda, Raigarh, Tahsil and District Raigarh (C.G.)

---- Petitioner**Versus**

- State Of Chhattisgarh Through The District Magistrate Raigarh, Chhattisgarh

---- Respondent

For Applicant	:	Shri Manoj Kumar Jaiswal, Advocate
For Respondent	:	Shri Dinesh Tiwari, Dy. G.A.

Hon'ble Smt Justice Rajani Dubey**Order on Board****11/06/2020**

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.952/2019, registered at Police Station – Outpost Jutmil, P.S. Kotwali, District Raigarh (C.G.) for the offence punishable under Sections 379/34 IPC.
2. The prosecution story, in brief, is that complainant Sujit Kumar Lahre made a complaint at police station that some unknown person committed theft of his motorcycle Bajaj Pulsar bearing registration No.CG-13-UJ-0595. During investigation, the applicant was interrogated in which it was revealed that he has committed theft of said motorcycle. Based on this, offence has been registered. The present applicant has been taken into custody on 31.10.2019.

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 is ready to furnish adequate security and shall abide by all the conditions and directions which may be imposed by this Hon'ble Court. He also submits that the present applicant is in custody since 31.10.2019, charge sheet has been filed, the offence is triable by Magistrate 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 31.10.2019, 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 solvent 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.
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 they will be required to furnish bail bonds within four weeks from today.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge

Pekde