

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 2957 of 2020**

Temendra @ Golu Chandrakar S/o Late Rambharosha
Chandrakar, Aged About 34 Years, R/o Village Bhendra, Tahsil
Doundilohara, Post Office And Police Station Deori, District Balod,
Chhattisgarh

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station Kurud, District
Dhamtari, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Avinash Chand Sahu, Advocate
For Respondent/State	:	Ms. Sunita Jain, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****12/06/2020**

This is the second bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicant who is in jail since 05.10.2017 in connection with Crime No. 241/2017 registered at Police Station- Kurud, District Dhamtari, (CG) for the offence punishable under Sections 379, 420, 467, 468, 471, 401, 201, 120B & 34 of IPC.

2. The earlier bail application stood rejected vide order dated 11.01.2019 in MCRC No. 9436 of 2018.

3. Contention of the counsel for the applicant is that the applicant is in jail since 05.10.2017 and as such he has already put in custody for about 2 years and 8 months. He submits that the case is triable by a JMFC and the applicant all circumstances has undergone the custody period of more than half of the maximum sentence that is usually inflicted

for such offences. Thus, prayed for grant of bail to the applicant.

4. State counsel, however, opposing the bail application submits that the applicant herein is the main accused person and it was for this reason his earlier bail application was rejected by this Court. She submits that taking into consideration the nature of offence, the applicant does not deserve to be released on bail.

5. Having heard the contentions put forth on either side and on perusal of the record, particularly taking note of the period of custody of 2 years 8 months that the applicant has already undergone and the fact that the offence is triable by Magistrate First Class, this Court is of the opinion that prima facie, a strong case for grant of bail has been made out.

6. Accordingly, the application for grant of bail is allowed. It is directed that the present Applicant will be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with two sureties in the like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed.

Sd/-
(P. Sam Koshy)
Judge