

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3266 of 2020

- Vijay Nirmalkar S/o Prakash Nirmalkar, aged about 25 years, resident of Street No. 33 Shastri Nagar Khurseepar Bhilai, Tahsil and District Durg (CG)

---- Applicant

Versus

- State of Chhattisgarh, Through the District Magistrate Durg Tehsil and District Durg (CG)

---- Respondent

 For Applicant : Shri A.C. Sahu, Advocate
 For Respondent/State : Shri Raghvendra Verma, G.A.

Hon'ble Smt. Justice Rajani Dubey
Order On Board

20.07.2020

1. Heard.
2. Admit.
3. This is the first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No. 20/2020, registered at Police Station, Jamul, District Durg(CG) for the offence punishable under Sections 457, 380 of the IPC.
4. As per the case of prosecution, the applicant along with other co-accused persons has committed theft of gold ornaments and Micro max Television, set-up box amounting to Rs.15,000/- from the house of the complainant. The matter was investigated and the applicant has been arrested.
5. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in

the case. He further submits that nothing has been seized from the possession of the applicant. He submits that the applicant is in jail since 20.2.2020 and trial is likely to take some time for its final disposal, therefore, the applicant may be released on bail.

6. On the other hand, learned counsel for the State opposes the bail application. He submits that the applicant is a habitual offender.
7. Perused the entire material available on record.
8. Considering the facts and circumstances of the case, in particular the nature of offence and further considering that charge sheet has been filed and trial is likely to take some time for its final disposal, I am of the opinion that present is a fit case to release the applicant on bail.
9. Accordingly, the bail application filed under Section 439 Cr.P.C. is allowed.
10. It is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of Rs.50,000/- with one surety in like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed till the disposal of the trial.
11. Certified copy as per rules.

Sd/-

(Rajani Dubey)
JUDGE