

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3242 of 2020**

- Anwar @ Junail S/o Ahmad Husain (Wrongly written as Ussain) aged about 30 years, R/o chhantidhih, pathan muhhalla, P.S. Sarkanda, District-Bilaspur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through - S.H.O.-Kotwali-Rajnandgaon, District-Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Hemant Gupta, Adv.
For Respondent/State	:	Mr. K. K. Singh, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****10/08/2020**

1. Heard on admission.
2. Admit.
3. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 103/2018 registered at Police Station Kotwali-Rajnandgaon, District-Rajnandgaon (C.G.) for the offence punishable under Sections 365/34, 394/34 and 397/34 of the IPC.
4. The prosecution story in brief is that, on 21.02.2018 when the complainant was going to his home by his car Ritz bearing registration No. CG-08-R-7481 at that time three unknown persons came from back side and forced the complainant namely Amit kumar to stop the car. Subsequently entered the car and took him to Ramdarbar Road and snatched his Credit Card, Aadhar Card, ATM Card, Pan Card and Ritz Car. Based on this, offence has been registered against the present applicant.
5. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that it is alleged that the three persons have committed the crime but there were 5 persons have been implicated in the crime by the police and the police

had also conducted the test identification pared, where the victim has identified only those three persons who have committed the crime against him, in which the present applicant was not identified. A copy of the test identification pared is annexed herewith as Annexure-A/2. He next submits that the applicant has been arrested only on the basis of the memorandum and except his mobile phone nothing has been seized from the present applicant and he is in jail since 05.06.2018, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.

6. On the other hand, counsel for the State opposes the bail application and submits that the allegation against the applicant is of serious in nature; therefore, no case is made out for grant of bail.
7. I have heard learned counsel for the parties and perused the case diary.
8. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicant and further considering that on the basis of memorandum except a mobile phone nothing has been seized from the applicant, the applicant is in jail since 05.06.2018, and 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.
9. 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 trial Court on each and every date given to him by the said Court.

**Sd/-
(Rajani Dubey)
Judge**