

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4112 of 2020**

- Nilesh Soni, S/o Late Babulal, Aged About 26 Years, R/o Telipara, Gali No. 2, Police Station- City Kotwali, District- Bilaspur (C. G.).

---- Applicant**Versus**

- State of Chhattisgarh, Through SHO, Police Station- Kotwali, District- Rajnandgaon (C. G.).

---- Respondent

For Applicant : Mr. Amit Soni, Adv.

For Respondent/State : Mr. Vimlesh Bajpai, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****31.08.2020**

1. The accused/applicant has moved this **third 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, District- Rajnandgaon (C.G.) for the offence punishable under Sections 394, 365, 397 & 34 of IPC.
2. The first bail application of the applicant was dismissed as withdrawn with the direction to the trial Court to conclude the trial expeditiously within a period of six months vide order dated 19.11.2019 passed in MCRC No. 5381/2019.
3. The second bail application of the applicant was dismissed as withdrawn with liberty to file the same at an appropriate stage vide order dated 05.03.2020 passed in MCRC No. 598/2020.
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 and took him to Ramdarbar Road and snatched his

Credit Card, Aadhar Card, ATM Card, PAN Card and Ritz Car. Thereafter, offence has been registered against the present applicant and he has been taken into custody.

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 complainant had not appeared before the trial Court for recording of his statement. He next submits that applicant has not been identified by any of the prosecution witness till date. The other two accused persons have been granted bail in MCRC Nos. 1597/2020 & 3242/2020. The applicant is in jail since 28.02.2018 and 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 the submission made in this respect. It is submitted that allegation made against the present 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, and further considering the facts that the other two accused persons have been granted bail in MCRC Nos. 1597/2020 & 3242/2020. The applicant is in jail since 28.02.2018 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**