

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4066 of 2020

Gyanendra Patel S/o Gulab Singh Aged About 23 Years R/o S.F. Colony, Durg,
Tahsil And District- Durg, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through- Station House Officer, Police Station Bhilai
Nagar, District Durg, Chhattisgarh

---- Respondent

For Applicant	:	Shri Hemant Kumar Agrawal, Advocate
For State	:	Shri Alok Bakshi, Addl. A.G.

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

01/09/2020

Heard.

1. The applicant has been arrested in connection with Crime No.158/2019 registered in Police Station -Bhilai Nagar, District- Durg (CG) for alleged commission of offence under Section 392 IPC.
2. Case of the prosecution, in brief, is that while the victim was walking on road, three persons including present applicant came on a motorcycle and looted her gold chain valued at Rs.40,000/-.
3. Learned counsel for the applicant would argue that the applicant has been involved only on suspicion probably because he is known to the accused from whom gold chain has been seized. He would further submit that he has not been even identified by the complainant/victim. Therefore, it is prayed, the applicant may be granted bail.
4. On the other hand, learned counsel for the State opposed the bail application by submitting that though the chain has been seized from the

possession of the other accused, the applicant is clearly involved in the incident on the basis of the memorandum of the co-accused. He would submit that the applicant is a habitual offender and against him as many as six other criminal cases alleging commission of offence under Section 379 or 392 IPC have been registered and if the applicant is granted bail, he is most likely to misuse his liberty.

5. Taking into consideration, the submissions made by learned counsel for the parties, considering the nature of allegation that looted gold chain has been seized from the possession of other co-accused, applicant has not been identified in test identification parade and that investigation is complete and charge sheet has also been filed, present is a fit case for grant of bail.
6. The application is accordingly allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the concerned trial Court with following further conditions:-
 - (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
7. If the applicant is again found to involve in commission of any offence, it would be open for the State to apply for cancellation of bail.

Sd/-
(Manindra Mohan Shrivastava)
Judge