

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.4106 of 2020

Radheyshyam Gupta S/o Sudama Gupta Aged About 24 Years R/o
Krishna Nagar, Supela Bhilai, District Durg Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Supela
Bhilai, District Durg Chhattisgarh

--- Respondent

For Applicant	:	Mr. Rahil Arun Kochar, Advocate
For State	:	Mr. Adil Minhaj, Government Advocate

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

Order On Board

28/08/2020

Heard.

1. 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. 14/2020 registered at Police Station- Supela Bhilai, District- Durg, (C.G.) for the offence punishable under Sections 457, 380, 34 of IPC.
2. The prosecution story, in brief is that, complainant Dharmendra Sav lodged a report alleging that on 08.01.2020, at about 12 A.M., some unknown persons stole the money amounting to Rs. 12,000/- from the possession of complainant's mother and thereafter they (accused persons) have been caught. Thereafter, offence has been registered against the present applicant and he has been taken into custody.
3. 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 the applicant is in jail since 09.01.2020 there is no likelihood of his case being decided in near future, therefore, the present applicant may

be released on bail.

4. On the other hand, counsel for the State opposes the bail application.

5. I have heard learned counsel for the parties and perused the case diary.

6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, and further taking into consideration that co-accused Bhola Gaikwad and Vicky @ Ante Sen have been granted bail by this Court in M.Cr.C. No.2232/2020 and M.Cr.C. No.1918/2020 and further considering the facts that the applicant is in jail since 09.01.2020 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.

7. 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.

8. It is made clear that if the applicant has already been released on bail pursuant to the bail bonds already furnished in view of the order passed by the High Power committee constituted in compliance of the order of the Supreme Court of India dated 23.03.2020 in the matter of In Re: Contagion of COVID 19 Virus in Prisons (Suo Moto Writ Petition (c) No. 1/2020), he need not furnish bail bonds afresh and the bail bonds already furnished shall be deemed to be the bail bonds furnished in compliance of the order of this Court, but if he has not furnished the bail bonds earlier, then he will be required to furnish bail bonds within four weeks from today.

9. Certified copy, as per rule.

Sd/-
(Manindra Mohan Shrivastava)
Judge