

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4435 of 2020**

- Gyanendra Patel, S/o Gulab Singh, Aged about 23 years, R/o SF Colony, Durg, Tahsil & District Durg (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh, Through – Station House Officer, PS-Bhilai Nagar, District Durg (C.G.)

---- Respondent

For Applicant : Mr. Hemant Kumar Agrawal, Advocate.
 For Respondent/State : Mr. D.P. Singh, Dy. A.G.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****19/08/2020**

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. 268/2019 registered at Police Station- Bhilai Nagar, District Durg (C.G.) for the offence punishable under Sections 379, 34 of the IPC, 1860.
2. The prosecution story in brief is that, the complainant namely Champa Devi Pandey has lodged a report to the concern police station Durg, alleging that on 28.07.2019 at about 06:00 am when she was returning from the morning walk, two unknown persons came by their motorcycle and they have looted gold chain valued at Rs. 40,000/- from her and on the basis of complaint made by the complainant, the police registered the case and after investigation, he has been arrested on the basis of memorandum.
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 prosecution has not collected the sufficient material regarding loot of the said article. He next submits that the applicant is in jail since 23.03.2020,

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 and submits that the allegation against the applicant is of serious in nature; therefore, no case is made out for grant of bail.
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, detention period of applicant and further considering that the applicant is in jail since 23.03.2020, 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.

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