

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4826 of 2020**

- Amitesh Jha, S/o Shri Bechan Jha, Aged about 25 years, R/o Geeta Palace, Sharda Vihar, Uslapur, PS Sakri, District Bilaspur (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through – PS- Civil Lines, District Bilaspur (C.G.)

---- Respondent

For Applicant : Ms. Shubha Shrivastava, Advocate.

For Respondent/State : Mr. Rahul Jha, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****02/09/2020**

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. 449/2020 registered at Police Station- Thana Civil Lines, District Bilaspur (C.G.) for the offence punishable under Section 392 of the IPC, 1860.
2. The prosecution story in brief is that, on 26.06.2020 at about 05:40 pm, the complainant lodged an FIR against the unknown person stating that on 24.06.2020, he along with his friend was coming back to his house in between where an unknown person came to them and asked them that why they are not wearing the face mask and took them to a lane beside Ratan Lassi Shop situated at Mangla Chowk and asked them to come to Civil Lines Police Station along with him due to which they got tensed, after which that unknown person told them to settle the issue there itself and took Rs. 4000/- and a gold ring from them. After the FIR police got tip from the informer and thus caught hold of the present applicant.

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 complainant and the accused know each other very well, earlier complainant had taken money from the accused and he was returning the money to him, and when the accused made pressure on the complainant to return the money, he gave Rs. 4000/- and one gold ring to compensate. He next submits that the applicant is in jail since 27.06.2020, 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 27.06.2020, 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