

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4776 of 2020

- Rakesh Kumar Pathak, S/o. Teerthnath Pathak, Aged about 40 years, Resident of Village Bhadohi (Morwa), Tahsil and PS Singrauli, District Singrauli (MP)

---- Applicant

Versus

- State Of Chhattisgarh Through Incharge of Police Station Ambikapur, District Sarguja Chhattisgarh

---- Respondent

For Applicant	: Ms. Priyanka Mehta, Advocate
For Respondent/State	: Shri Adil Minhaj, GA

Hon'ble Smt. Justice Rajani Dubey

Order On Board

01/09/2020

The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody in connection with Crime No. 840/2016 registered at police station Ambikapur, district Sarguja (CG) for the offence punishable under Sections 457,380 and 411/34 IPC.

As per prosecution case, report was lodged by the complainant alleging that the applicant along with other co-accused persons have committed robbery in a bank after breaking open the lock of the gate.

Counsel for the applicant submits that the applicant has been falsely implicated in the case. She submits that similarly placed co-accused persons have been granted bail by this Court in M.Cr.C. No. 7642/2019 vide order dated 16.03.2020 and M.Cr.C. No.s. 3362/2020 and 3371/2020 vide order dated 26.06.2020 and therefore

the present applicant may also be granted the benefit. She submits that the applicant is in jail since 23.12.2016 and looking to the conduct of the prosecution it is clear that the trial will take time for its conclusion therefore he may be released on bail.

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

Having heard counsel for the parties, considered the totality of the fact, in particular the detention period of the applicant and that similarly placed co-accused have been granted bail, I am inclined to release him on regular bail. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is allowed.

It is directed that in the event of the applicant's furnishing a personal bond in the sum of Rs. 25,000/- with one surety for the like sum to the satisfaction of the concerned Court, he shall be released on bail.

Sd/-

(Rajani Dubey)
Judge