

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5053 of 2020**

- Deepak Naykar, S/o Raja Naykar, Aged About 19 Years, R/o Village- 32 Acre, Housing Board, Jamul, Tahsil & District- Durg, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh, through The District Magistrate Durg, District- Durg Chhattisgarh.

---- Respondent

For Applicant	: Mr. Love Kumar Ramteke, Adv.
For Respondent/State	: Mr. Rahul Jha, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****16.09.2020**

1. The accused/applicant has moved this **second bail application** under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 189/2019 registered at Police Station- Jamul, District- Durg (C.G.) for the offence punishable under Section 394 IPC and 25, 27 of Arms Act.
2. The first bail application of the applicant was dismissed as withdrawn with liberty to revive the same after examination of the material witnesses vide order dated 18.11.2019 passed in MCRC No. 5928/2019.
3. The prosecution story, in brief is that, it has been alleged that the present applicant along with other co-accused entered the house of the complainant and tried to snatch her mangalsutra and also assaulted her. Thereafter, offence has been registered against the present applicant.
4. 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 05.04.2019, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.

5. On the other hand, counsel for the State opposes the bail application and the submission made in this respect. It is submitted that Seema Dwivedi/complainant (PW/1) has not supported the prosecution case before the trial Court and offence committed by the present applicant is of serious in nature, therefore, no case is made out for grant of bail
6. I have heard learned counsel for the parties and perused the case diary.
7. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, and further considering the facts that Seema Dwivedi/complainant (PW/1) has not supported the prosecution case before the trial Court. The applicant is in jail since 05.04.2019 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.
8. 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**