

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4909 of 2020**

- Rameshwar Prasad Dhiwar S/o. Laxmi Prasad Dhiwar, aged about 20 years, resident of Village Police Station & Tahsil - Sipat, District Bilaspur (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through- Police Station- Sipat, District Bilaspur (C.G.)

---- Respondent

For Applicant.	:	Mr. Ravi Maheshwari, Advocate.
For Respondent/State	:	Mr. Rahul Jha, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****03.09.2020**

1. The applicant has filed this first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail in connection with Crime No. 208/2020 registered at Police Station Sipat, Civil & Revenue District Bilaspur (C.G.) for the offence punishable under Sections 394 & 395/34 of the IPC.
2. As per the prosecution case, the allegation against the present applicant is that he along with other co-accused persons stopped the complainant while he was returning to his home from NTPC Sipat, attacked with the help of Rod and snatched his Mobile Phone from his pocket worth of Rs. 8,000/-. Based on that, after investigation, offence has been registered against the applicant and he has been arrested.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further

submits that the present applicant has been arrested only on the basis of suspicion and also the said mobile phone was not seized from the possession of present applicant. He next submitted that as the applicant is in jail since 04.05.2020 and he is ready to furnish adequate surety and shall abide by all the conditions and directions, which may be imposed by this Hon'ble Court, therefore, he may be released on bail.

4. On the other hand, State counsel strongly opposes the bail application and submits that there are two previous criminal incidents of the same nature against the present applicant which shows that the present applicant is a habitual offender and there is possibility to commit the same offence again after releasing on bail, therefore, he may not be granted bail.
5. I have heard learned counsel for the parties and perused the record.
6. Taking into consideration the submission of the counsel, nature and gravity of the offence, facts and circumstances of the case, as applicant is in jail since 04.05.2020 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.1,00,000/- with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the said Court on each and every date given to him by the said Court.

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