

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5147 of 2020**

- Rameshwar Prasad Dhiwar, S/o Laxmi Prasad Dhiwar, Aged About 20 Years, R/o 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, Adv.
For Respondent/State	: Mr. H.S. Ahluwalia, Dy. A.G.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****21.09.2020**

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. 211/2020 registered at Police Station- Sipat, Civil & Revenue District- Bilaspur (C.G.) for the offence punishable under Sections 397, 395/34 of IPC.
2. The prosecution story, in brief is that it has been alleged that on 02.05.2020 at about 11:45 PM, when complainant along with son-in-law was returning from Darrabhatha, at that time, applicant along with other co-accused persons stopped them and snatched a cash of Rs. 1,500/- from the complainant and one mobile phone worth of Rs. 3,000/- from his son-in-law. Thereafter, offence has been registered against the present applicant and he has been taken into custody.

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 he has been granted bail in other case of same nature in MCRC No. 4909/2020 and other co-accused has been granted bail in MCRC No. 3038/2020 and the applicant is in jail since 04.05.2020 and 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 the submission made in this respect. It is submitted that he has been identified in TI Parade and the offence committed by the present 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, and further considering the facts that he has been granted bail in other case of same nature in MCRC No. 4909/2020 and other co-accused has been granted bail in MCRC No. 3038/2020. The 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. 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**