

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4969 of 2020**

- Deepak Bharti, son of Harish Bharti, aged about 23 years, resident of Kelabadi, Near Maharashtra Manglam, Durg, District Durg (C.G.).

---- Applicant**Versus**

- State of Chhattisgarh Through : The Station House Officer, Police Station Durg, Civil and Revenue District Durg (C.G.)

---- Respondent

For Applicant	:	Shri Purnendra Khichariya, Advocate
For Respondent	:	Ms. Sunita Jain, G.A.

Hon'ble Smt Justice Rajani Dubey**Order on Board****15/09/2020**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.66/2020, registered at Police Station - Durg, Civil and Revenue District Durg (C.G.) for the offence punishable under Sections 457 and 380 IPC.
2. The allegation against the present applicant is that he committed theft of 7 hydrabadi pigeons from the house of complainant Balkrushna Nagesh. During investigation, the applicant was taken into custody, his statement was recorded and theft article was seized from his possession. Based on this, offence has been registered. The present applicant has been taken into custody on 23.01.2020.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that the applicant is ready to furnish adequate security and shall abide by all the directions and

conditions which may be imposed upon him by the Hon'ble Court. He also submits that the applicant is in custody since 23.01.2020, charge sheet has been filed and there is no likelihood of his case being decided in near future. Therefore, he may be released on bail.

4. On the other hand, learned counsel for the State opposed the bail application. Learned State counsel submits that the applicant is a habitual offender and as many as 08 cases are already pending against him.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the totality of the facts and circumstances of the case, nature of offence and further considering the fact that the applicant is in custody since 23.01.2020, charge sheet has been filed and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release the applicant on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicant shall be released on bail on his executing a personal bond for a sum of Rs.50,000/- with one solvent surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as and when directed.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge