

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5603 of 2020**

- Ashik Vibhar S/o Bansi Vibhar Aged About 20 Years, R/o House No. 21/1228, Trimurti Nagar, Shiv Chandi Mandir Gali, P.S.- Devendra Nagar, Dist.- Raipur, (C.G.).

---- Applicant**Versus**

- State Of Chhattisgarh, Through : P.S. G.R.P., Dist.- Raipur, (C.G.).

---- Respondent

For Applicant : Mr. J. K. Gupta, Advocate.
For Respondent/State : Mr. Anand Verma, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****15/12/2020**

1. The accused/applicant has moved this **second bail application** under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 297/2019 registered at Police Station - G.R.P., District - Raipur (C.G.) for the offence punishable under Sections 394 and 395 of the IPC.
2. The first bail application of the applicant was dismissed by this Court on 25.02.2020 in MCRC No. 1434/2020 along with 229/2020 & 833/2020.
3. The allegation against the applicant is that applicant along with other co-accused persons snatched mobile phone of complainants and assaulted them when the train stopped for one hour before Raipur Railway Station while they were returning from mahasamund to Raipur after playing cricket match. Based on this, 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 other co-accused

persons have already been granted bail in MCRC Nos. 4895/2020 & 4868/2020, therefore, the present applicant may also be granted benefit of bail. He also submits that the applicant is in jail since 31.12.2019, 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 submits that the allegation against the applicant is of serious in nature; therefore, no case is made out to release him on 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, detention period of applicant and further considering the facts that the other co-accused persons have already been granted bail and the applicant is in jail since 31.12.2019 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