

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5044 of 2020**

- Chhannulal Sahu, S/o Hichha Ram Sahu, Aged about 25 years, R/o Sivnikhurd, PS Arjuni, District Dhamtari (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh, Through – SHO- PS- City Kotwali, Dhamtari, District Dhamtari (C.G.)

---- Respondent

For Applicant	:	Mr. Anil Gulati, Advocate.
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 first bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 193/2020 registered at Police Station- City Kotwali, Dhamtari, District Dhamtari (C.G.) for the offence punishable under Sections 356, 379 and 392 of the Indian Penal Code, 1860.
2. The prosecution story in brief is that, it is alleged that the present applicant along with other co-accused looted the mobile of the complainant Devkumari Dhimar. Subsequently, the police investigated the matter and on the basis of memorandum of co-accused, the applicant has been implicated for the commission of the alleged offence.
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 the mobile was recovered from the possession of the co-accused and nothing substantial has been recovered from the possession of the present applicant and he also submits that charge-sheet has been filed and the offence is

triable by the Judicial Magistrate First Class. He next submits that the applicant is in jail since 16.05.2020, 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 submits that the allegation against the 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, detention period of applicant and further considering that the applicant is in jail since 16.05.2020, 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 present applicant on bail. Accordingly, the bail 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 them by the said Court.

Certified copy, as per rules.

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