

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5345 of 2020**

- Sanjay Chouhan S/o Shri Santosh Chouhan aged about 28 years, R/o Atal Awas, Sarona, Raipur, Tahsil and District-Raipur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through - Station House Officer, Police Station Amanaka, Raipur, District-Raipur, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. C. R. Sahu, Adv.
For Respondent/State	:	Ms. Sunita Jain, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****23/09/2020**

1. The matter is heard through video conferencing.
2. The accused/applicant has moved this **second bail** application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 201/2019 registered at Police Station Amanaka, Raipur, District-Raipur (C.G.) for the offence punishable under Sections 457 and 380 of the IPC.
3. The first bail application of the applicant was dismissed as withdrawn with liberty to renew the same after examination of seizure witnesses by this Court on 28.11.2019 in MCRC No. 6478/2019.
4. The prosecution story, in brief is that, the complainant lodged a report with the allegation that the unknown person has entered the house of the complainant and has stolen the cash amount Rs. 50,000/- and gold. After investigation the police has arrested the present applicant on the basis of memorandum statement and offence is registered against the present applicant.
5. 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 police has not seized any said article from the applicant and he has not committed theft of the seized articles and only on the basis of memorandum the applicant has been arrested. He also submits that the applicant is in jail since 23.06.2019, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.

6. 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.
7. I have heard learned counsel for the parties and perused the case diary.
8. 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 23.06.2019, 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.
9. 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 trial Court on each and every date given to him by the said Court.

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