

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5296 of 2020**

- Santosh Sahu S/o Shri Mahadeo Sahu @ Mahavir Sahu, aged about 28 years, R/o village Sarhar, Police Station Baradwar, District Janjgir-Champa (C.G.) Present address : T.V. Tower near Gurudron School Deendayal Apartment, Puram Colony, Raigarh (C.G.)

---- Petitioner**Versus**

- State Of Chhattisgarh Through : The Station House Officer, Police Station Kharsia, District Raigarh (C.G.)

---- Respondent

For Applicant	:	Shri Prabhat Kumar Saxena, Advocate
For Respondent	:	Shri H.S. Ahluwalia, Dy. A.G.

Hon'ble Smt Justice Rajani Dubey**Order on Board****22/09/2020**

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.494/2019, registered at Police Station - Kharsia, District Raigarh (C.G.) for the offence punishable under Section 379 IPC.
2. The prosecution story, in brief, is that complainant Hussain made a complaint at police station, Kharsia that some unknown person committed theft of his motorcycle splendor bearing registration No.CG-13-N-5160. During investigation, the applicant was interrogated in which it was revealed that he has committed theft of said motorcycle and the five other motorcycles were also seized from his possession. Based on this, offence has been registered. The present applicant has been taken into custody on 17.11.2019.
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 conditions and directions which may be imposed by this Hon'ble Court. He also submits that the present applicant is in custody since 17.11.2019, charge sheet has been filed, the offence is triable by Magistrate 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.
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 17.11.2019, 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.1,00,000/- 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, till the final disposal of the trial.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge