

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 5501 of 2020

- Indra Kumar Gayakwad @ Gohiya, age about 22 years, Caste- Satnami, S/o Late Namdas, R/o Village- Saloni, P.S. Mujgahan, District- (Revenue & Civil) - Raipur(C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through Station House Officer, Chouki – Birejhar, P.S. Kurud, District- Dhamtari (C.G.)

---- State/Non-applicant

For Applicant	:	Shri Yogesh Pandey, Advocate
For Non-Applicant/State	:	Shri Rahul Jha, Government Advocate

Hon'ble Shri Justice Gautam Chourdiya, J

Order in Board

30.09.2020

1. This application is heard through Video Conferencing.
2. The applicant has preferred this application under Section 439 of Cr.P.C. as he is in jail since 18.06.2020 in connection with Crime No. 152/2020 registered in Police Station- Chouki- Birejhar, P.S. Kurud, District Dhamtari (CG) for the offence punishable under Section 397 of the Indian Penal Code.
3. Case of the prosecution in brief is that on 15.03.2020 at 06:00 pm when complainant Ghanshyam Banjare alongwith his wife was returning after attending engagement ceremony on motorcycle, on the way he stopped his motorcycle to attend the call of nature. At that time two unknown persons came there on motorcycle and snatched the golden chain from neck of his wife. When complainant tried to stop the accused persons, one of them assaulted upon him with a knife as a result of which the complainant sustained injury on his left arm. However, the accused persons snatched away a piece of gold worth Rs.30,000/- and fled from the spot. On report

being lodged by the complainant at Police Chouki Birejhar, P.S. Kurud, District Dhamtari, the offence under Section 397 of IPC was registered and after investigation charge-sheet has been filed.

4. Learned counsel for the applicant submits that the applicant is an innocent person has been falsely implicated in this case. Nothing incriminating has been seized from the possession of the present applicant. He also submits that the applicant is in jail since 18.06.2020, he is the first offender, charge-sheet has already been filed and conclusion of the trial is likely to take some time. Therefore, the applicant be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application. However, he submits that the applicant has no previous criminal antecedent.
6. Having heard learned counsel for the parties, considering the facts and circumstances of the case, the fact that the applicant is young offender of 22 years, he is in jail since 18.06.2020, he has no criminal antecedent and nothing incriminating has been seized from his possession, without expressing any opinion on merits of the case and the fact that conclusion of the trial may take some time, the application is allowed. It is directed that in the event of applicant executing a personal bond for a sum of Rs.25,000/- with two sureties for the like amount to the satisfaction of the concerned trial Court, he shall be released on bail. He is directed to appear before the trial Court on each and every date given to him by the said Court, till disposal of the trial.
7. It is made clear that the applicant shall not involve himself in any offence of similar nature in future or else this order granting bail to the applicant shall automatically stand cancelled without further reference to the Bench.

Sd/-

(Gautam Chourdiya)
Judge

