

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6387 of 2020**

- Hari @ Vishal Nutt S/o Haricharan Aged About 28 Years R/o Village Gala Police Station Pathalgaon District Jashpur Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Bhaiyathan (Jhilmili) District Surajpur Chhattisgarh

---- Respondent

For Applicant	:	Shri Shakti Raj Sinha, Advocate
For State	:	Shri H.S.Ahluwalia, Dy.G.A.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****16/10/2020**

Heard.

1. The applicant has been arrested in connection with Crime No.49/2018 registered at Police Station – Bhaiyathan (Jhilmili), District - Surajpur (C.G.) for alleged commission of offences under Section 392/34 of IPC.
2. Prosecution case is that the applicant and other co-accused persons looted Rs.80,000/- from the complainant.
3. Learned counsel for the applicant would submit that he is not involved in the alleged offence and he has been falsely implicated. It is submitted that the test identification parade is doubtful. It is further submitted that the applicant is in jail since 28/11/2018 and almost two years have elapsed but the trial has not been concluded and not likely to be concluded early. Therefore, at this stage, the applicant may be granted bail.
4. On the other hand, learned State counsel opposes bail application and submits that there is *prima facie* involvement of the applicant which is supported by material on charge sheet which shows that in the test identification parade, the applicant was

identified and the motor cycle used in the alleged commission of offence was seized from the possession of the applicant. It is submitted that the applicant is a habitual offender and against him, other offences of similar nature are registered. Therefore, the applicant may not claim bail only on the ground of long pre-trial detention.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that in the present case, the applicant is in jail since 28/11/2018 and trial has not been concluded and further taking into consideration the total amount alleged to be involved and that no fire arm or weapon was used nor any injury was caused to the victim, at this stage, only on the ground of long pre-trial detention, I am inclined to grant bail to the applicant.

6. Accordingly, the application is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.50,000/- along with one local surety for the like amount to the satisfaction of the Trial Court on the condition that -

- a) He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
- b) He shall not make any attempt to tamper with the prosecution witnesses.

If the applicant is found involved in similar offences in future, the State counsel shall apply for cancellation of bail.

Certified copy as per rules.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge