

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6690 of 2020

1. Mithlesh Rathore @ Pintu S/o Shri Narendra Rathore, Aged About 25 Years, R/o - Village- Chhatona, Tehsil- Malkharoda, District- Janjgeer-Champa (C.G.). Present Address- Village, Makri, Tehsil- Kharsiya, District- Raigarh (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through SHO, Police Chowki - Kharasiya, District- Raigarh (C.G.).

---- Respondent

For Applicant	: Shri F.S. Khare, Advocate.
For Respondent/State	: Shri Vimlesh Bajpai, Govt. Advocate.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

04/12/2020

- 1) This is the First Bail Application filed under Section 439 of Code of Criminal Procedure, 1973 by the applicant for grant of bail as he is in custody since 20/08/2020 in connection with Crime No. 322/2020 registered at Police Station Kharasiya, District- Raigarh (C.G.) for the offence under Sections 457, 380, 411, 34 of IPC.
- 2) Allegation against the applicant is that complainant Amarnath Kedia lodged a report at Police Chowki Kharsiya to the effect that theft has been committed in the Gopal Rice Mill during period from 27/07/2020 to 02/08/2020. During investigation the present applicant and other co-accused were arrested. In his memorandum the present applicant stated that he received the stolen articles from co-accused Shiva Sahis and kept the same in his possession and was looking for the customer to sell out it. Persuade to his memorandum, several utensils of silver and gold and jeweleries of wroth Rs. 2,63,980/- were seized from the

applicant. On report being lodged to the above effect, offence under the aforesaid sections has been registered against the applicant.

- 3) Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He submits that the applicant is in jail since 20/08/2020 and conclusion of the trial is likely to take some time. Therefore, the applicant be released on bail.
- 4) On the other hand, learned counsel for the respondent/State opposes the bail application.
- 5) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the fact that the charge sheet has already been filed, the applicant is in jail since 20/08/2020 and the trial is likely to take some time for disposal, without commenting anything on merits of the case, the application is **allowed**. It is directed that in the event of applicant executing a personal bond for a sum of **Rs. 2,00,000/-** with two sureties of Rs. 1,00,000/- each 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.
- 6) 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 stands cancelled without further reference to the Bench.

-Sd/-
(Gautam Chourdiya)
Judge