

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6688 of 2020

- Rahul S/o Shri Ram Khilawan Rathore Aged About 20 Years R/o- Belbahara, P.S.- Jaitahari, District- Anuppur (Madhya Pradesh).

---- Applicant

Versus

- State Of Chhattisgarh Through Sho, P.S.- Gaurella, District- Gaurella Pendra Marwahi (Chhattisgarh).

---- Respondent

For Applicant	: Shri Achyut Tiwari, Advocate
For Respondent/State	: Shri Vimlesh Bajpai, G.A.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

04/12/2020

- 1) Heard on admission.
- 2) The application is admitted for hearing.
- 3) With the consent of the parties, the matter is heard finally.
- 4) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 24/08/2020 in connection with Crime No.152/2020 registered at Police Station Gaurella, District- Gaurella Pendra Marwahi (C.G.) for the offence punishable under Section 457, 380 of I.P.C.
- 5) Case of the prosecution in brief is that the complainant Hitendra Singh lodged report to the effect that on 23.08.2020 in the evening, he had gone to Sarswati Nagar with his mother and on 24.08.2020 when he came back to his house in the morning, he found the lock of his house was broken, the house hold articles were laying here and there. Silver Statue, Silver coin, silver Bichiya, Payal (two numbers) and key, worth Rs. 10,000/- and cash of Rs. 550/- were stolen. A report was lodged against the unknown person, of which, offence under Section 457 and 380 of

IPC was registered. On the basis of suspicion the present applicant and co-accused Ramchandra Singh were arrested and their memorandums were recorded. On the memorandum of the applicant Silver statue, 13 Nos. Silver Coin, 2 Nos. Silver Payal and 3 old coins were seized.

- 6) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question, he has not committed any offence. He further submits that the present has no criminal history, as the applicant has been arrested on 24/08/2020, charge-sheet has been filed and trial is likely to take some time for its final disposal. Therefore, the applicant be released on bail by this Court.
- 7) On the other hand, learned counsel for the respondent/State opposes the bail application.
- 8) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the nature of offence, considering the fact that the present applicant has no criminal record and the fact that conclusion of trial may take some time, therefore, without commenting anything upon merits of the case, the application is allowed. It is directed that in the event of the applicant executing a personal bond for a sum of Rs.50,000/- with two sureties of Rs. 25,000/- 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.
- 9) 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