

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.7068 of 2020

- Krishna Barle S/o Dayalu Barle Aged About 28 Years R/o Village Fadfad, Tehsil Dondilohara And District Balod Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The S. H. O. Police Station Suregaon, District - Balod Chhattisgarh

---- Non-applicant

For Applicant : Mr. Avinash Chand Sahu, Advocate.

For Non-applicant/State : Mr. Vimlesh Bajpai, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

05-11-2020

1. Heard on the application filed under Section 439 of the Cr.P.C. The applicant has been arrested on 27.08.2020 in connection with Crime No.03/2016, registered at Police Station- Suregaon, District- Balod, C.G. for offence punishable under Sections 392, 34 of I.P.C.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in the case, on the basis of the statement given by the co-accused persons on memorandum under Section 27 of Evidence Act, therefore, no recovery made from this applicant in this case. He is in jail since 27.08.2020, hence, it is prayed that he may be granted bail.
3. Learned counsel for the State/non-applicant opposes the application and submits that the applicant has previous antecedents, there is one case registered at Police Station Arjunda under Section 394 of I.P.C. and another case has been registered under Section 379 of I.P.C. at Police Station Balod, which shows that the applicant is habitual offender, hence, his application may be rejected.
4. In reply, it is submitted by the learned counsel for the applicant that the applicant has been granted bail in the offence registered at Police

Station Balod by this Court itself.

5. Heard learned counsel for the parties and perused the case diary.
6. According to the prosecution case, it is alleged that on the date of incident, cash of Rs.43,000/- was looted from the complainant Manoj Kumar Patel by three unknown person. The other co-accused persons namely Vikky @ Vikesh and Rajesh Verma were arrested but have given memorandum stating that applicant was one of the culprits in that case.
7. After considering on the submissions and looking to this fact that the case is at present pending for trial, therefore, I feel inclined to allow this application.
8. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed, on condition as imposed by the concerned Court.
9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge