

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7134 of 2020

- Krishna Barle S/o Dayalu Barle, Aged About 28 Years, R/o Village Faradfod, Tehsil Dondilohara, District Balod Chhattisgarh., District : Balod, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through the Station House Officer Police Station Balod District Balod Chhattisgarh., District : Balod, Chhattisgarh

---- Non-applicant

For Applicant – Shri Avinash Chand Sahu, Advocate.

For Non-applicant/State – Shri Vimlesh Bajpai, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

04-11-2020

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 27-08-2020 in connection with Crime No.66/2016 registered at P.S. - Balod, District Balod, Chhattisgarh for the offence under Section 379/34 of the IPC.
2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case on the basis of memorandum statement given by the co-accused persons and there is no recovery made from this applicant in the investigation. Therefore, it is prayed that applicant be granted bail.
3. Learned counsel for the State/non-applicant opposes the application and submits that the applicant had been absconding for about four years and also that there is history of one previous case registered against him in Police Station Suregaon, District Balod. Therefore, the applicant is not entitled for grant of bail.
4. Heard learned counsel for the parties and perused the documents.
5. Complainant Yashwant Kumar Sahu has lodged the FIR stating that

cash of Rs.50,000/- which was kept in his dicky was stolen by unknown person. During investigation co-accused Rajesh Verma, Vikki @ Vikesh were arrested who gave memorandum statement stating about participation of this applicant in the said commission of offence. Hence, this case.

6. Considered on the submissions. Looking to the evidence that is present against this applicant for his prosecution and looking to the delay that has occurred although the applicant is himself is responsible for the same, I feel inclined to allow this application.

7. 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge