

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8465 of 2020

- Surendra Yadav S/o Bhagwat Yadav Aged About 22 Years R/o Block No. 46, House No. S /2, Bombay Aawas Urla Durg, P.S. Mohan Nagar, Tehsil And District Durg Chhattisgarh. **---- Applicant**

Versus

- State Of Chhattisgarh Through District Magistrate, District Durg Chhattisgarh. **---- Respondent**

For Applicant : Shri Avinash Chand Sahu , Advocate
For Respondent/State : Shri B.P. Banjare, Dy. G.A.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

09/12/2020

- 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 11.09.2020 in connection with Crime No.119/2020 registered at Police Station- Mohan Nagar, District- Durg (C.G.) for the offence punishable under Section 457, 380/34 of I.P.C.
- 5) Complainant Eknath Bopche lodged report to the effect that on 21.03.2020, he had gone to some other place and on 24.03.2020 when he came back to his house, he found the wall of back side of the house was broken. Silver, gold ornaments and some other household articles worth Rs. 1,20,000/- were stolen. A report was lodged against the unknown person , of which, offence under Section 457 and 380/34 of IPC was registered. On the basis of suspicion the present applicant and co-accused were arrested and their memorandums were recorded. On the memorandum of the applicant stolen articles

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 11.09.2020, 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, however, he submits that he has no criminal antecedent.
- 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 as admitted by both the counsel 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.1,00,000/- with two sureties of Rs. 50,000/- 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