

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7338 of 2019

- Rajendra Kumar Singh S/o Krishna Kumar Singh, Aged About 19 Years, R/o Village Muruma, Muhauapara, Police Station Patna, Tahsil Baikunthpur, District Korea, Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Surajpur, District Koriya, Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Non-applicant

For Applicant – Shri Purnendra Khichariya, Advocate.

For Non-applicant/State – Shri C.B. Kesharwani, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

22-01-2020

1. Heard on the application filed under Section 439 of the Cr.P.C. This is second bail application before this Court filed by the applicant for grant of regular bail. His earlier bail application before this Court, MCRC No. 4013/2019 was dismissed as withdrawn on 23-09-2019 with liberty to revive after examination of the material witness. The applicant has been arrested on 24-01-2019 in connection with Crime No.407/2018 registered at P.S. Surajpur, District Surajpur, Chhattisgarh for the offence under Section 458, 392/34 of the IPC.

2. It is submitted on behalf of the applicant that the applicant is in jail since 24-01-2019 and the case is still pending for trial. The material witness, i.e., the complainant and the eye-witness have been examined before the Court, who have not stated against this applicant. It is also submitted that one co-accused Sunil Kumar Rajak has been granted bail by this Court. Therefore, it is prayed that the applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that this applicant has criminal history and this is fourth case

registered against him for similar offence. Therefore, he is not entitled for grant of bail.

4. Heard learned counsel for both the parties and perused the case diary.

5. According to the prosecution case, three unknown and masked persons committed house trespass in the house of the complainant and looted jewelery and cash from his possession. Some cash and one mobile phone has been seized from this applicant.

6. Considering that this applicant is in jail since nearly about one year and trial against him has not been completed yet and further similarly placed co-accused has been granted bail, therefore, 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