

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7712 of 2019**

- Omprakash Suryavanshi @ Nanu, S/o Panchram Suryavanshi, aged about 23 years, R/o Torva Basti, Police Station – Torva, Tahsil & District Bilaspur (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : The Station House Officer, Police Station Masturi, District Bilaspur (C.G.)

---- Respondent

For Applicant	:	Shri Rajneesh Shrivastava, Advocate
For Respondent	:	Ms. Akshara Amit, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****20/01/2020**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.204/2018, registered at Police Station – Masturi, District Bilaspur (C.G.) for the offence punishable under Sections 457, 380 and 411 IPC.
2. The prosecution story, in brief, is that in the night intervening 3rd – 4th of June, 2018, some unknown person entered the house of complainant Premdas Manikpuri after breaking open the lock of the house and stolen golden and silver ornaments, cash of Rs.45,000/- as well as one stamp paper. During investigation, the applicant and other co-accused persons were arrested, their memorandum statements were recorded, based on which, stolen articles were seized from their possession. Based on this, offence has been registered. The present applicant has been taken into custody on 20.08.2018.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that the applicant has been arrested only on the memorandum statement of co-accused persons. He also submits that the applicant is in custody since 20.08.2018, charge sheet has been filed and there is no likelihood of his case being decided in near future. Therefore, he may be released on bail.
4. On the other hand, learned counsel for the State opposed the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the totality of the facts and circumstances of the case, nature of offence and further considering the fact that the applicant is in custody since 20.08.2018, charge sheet has been filed and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release the applicant on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicant shall be released on bail on his executing a personal bond for a sum of Rs.50,000/- with one solvent surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as and when directed.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge