

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7768 of 2019**

- Suraj Hathtel, S/o Suresh Sweeper Aged About 25 Years, R/o Budhwari Bazar, Behind Ganesh Pandal, Outpost C S E B, Korba, Police Station Kotwali, District Korba (C.G.), Presently Residing at House No. 405, Atal Awas, SADA Colony Darri, Police Station- Darri, District - Korba Chhattisgarh. (Wrongly Mentioned as Kumar In C.C.).

---- Applicant

Versus

- State of Chhattisgarh, Through: Station House Officer, Police of Police Station - Kotwali Korba, District - Korba Chhattisgarh.

---- Respondent

For Applicant	: Mr. Anil Gulati, Adv.
For Respondent/State	: Ms. Akshara Amit, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****03.02.2020**

1. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 553/2018 registered at Police Station- Outpost Rampur, P.S.- Kotwali Korba, District- Korba, (C.G.) for the offence punishable under Sections 392, 397 r/w 34 of I.P.C. and Sections 25, 27 of Arms Act.
2. The prosecution story, in brief is that, an FIR has been lodged by complainant namely Shri Sonu Singh Kanwar against the present applicant alleging that on 13.06.2018 at about 11:30 PM, when he was returning to his home with one Golu @ Devendra, at that time the applicant looted the mobile of Golu @ Devendra on the point of knife and threatened him. Thereafter, offence has been registered against the present applicant.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that the complainant has not supported the

prosecution case before trial Court. The applicant is in jail since 02.08.2018, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.

4. On the other hand, counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, and further considering detention period of the applicant and the facts that the complainant has not supported the prosecution case before trial Court. The applicant is in jail since 02.08.2018 and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.
7. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 50,000/-, with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.

**Sd/-
(Rajani Dubey)
Judge**