

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8072 of 2019**

- Vijay Shankar Dhruv @ Jhilli S/o Shri Roop Singh Dhruv (wrongly mentioned as Ramsingh Dhruv in the certified copy), Aged About 23 Years R/o Ganga Nagar, Khamtarai, Police Station Bhanpuri, District Raipur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through- Station House Officer, Police Of Police Station Urla, District Raipur, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Rekhraj Baghel, Adv.
For Respondent	:	Smt Reena Singh, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****28/01/2020**

1. The applicant has preferred this **second** 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.329/2019, registered at Police Station - Urla, District Raipur, (C.G.) for the offence punishable under Section 41(1+4) and 379 IPC.
2. First bail application of the applicant was dismissed as withdrawn with liberty to renew the same after examination of material witnesses.
3. The prosecution story, in brief, is that the applicant stolen a motorcycle Hero Honda CD-110 bearing registration No.CG-04-LW-4516 and subsequently the police recovered the motorcycle from the possession of the applicant. Based on this, offence has been registered against the applicant. Present applicant has been taken into custody on 09.07.2019.
4. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He

further submits that the memorandum and seizure witnesses namely Tej Bahadur Yadav (PW/1) and Vikas (PW/2) have not supported the prosecution case and turned hostile. He also submits that the applicant is in custody since 09.07.2019, the 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.

5. On the other hand, learned State counsel opposes the bail application.
6. I have heard learned counsel for the parties and perused the record.
7. Considering the totality of the facts and circumstances of the case, quality of evidence and further considering the fact that the applicant is in custody since 09.07.2019, memorandum and seizure witnesses have not supported the prosecution case, 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 him on bail.
8. Accordingly, the bail application is allowed.
9. It is directed that the Applicant shall be released on bail on his executing a personal bond for a sum of Rs.25,000/- 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