

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8275 of 2019**

- Rajesh Sharma, S/o Jawahar Lal Sharma, Aged About 49 Years, R/o Devarcha, Purana Jhiriya Road, Police Station & Tahsil- Chhuikhadan, District- Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh, Through: Station House Officer, Police Station- Khairagarh, District- Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Abhishek Sharma, Adv.
For Respondent/State	: Mr. Anurag Verma, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****06.02.2020**

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. 289/2019 registered at Police Station- Khairagarh, District- Rajnandgaon, (C.G.) for the offence punishable under Sections 294, 323, 506, 365, 34, 394, 120-B of I.P.C.
2. The prosecution story, in brief is that, on 11.08.2019, complainant Chandrika Prasad Tiwari lodged a report alleging that accused Rajesh Sharma came to him to show his magic. Thereafter, present applicant with other two accused persons took the complainant to unknown place and assaulted him and looted Rs. 22,000/- and one mobile. Thereafter, offence has been registered against the present applicant and other co-accused persons.
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 other co-accused has been granted benefit of bail in MCRC No. 6976/2019 vide order dated

16.12.2019 by this Hon'ble Court. The applicant is in jail since 18.09.2019, 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 the facts that the other co-accused has been granted benefit of bail in MCRC No. 6976/2019 vide order dated 16.12.2019 by this Hon'ble Court. The applicant is in jail since 18.09.2019 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**