

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8328 of 2019**

- Sanjay Manna S/o Shri Ajeet Manna Aged About 44 Years Occupation Ornament Business, R/o Prem Pratap Colony, P. S. Kotwali, Raigarh, Tahsil And District Raigarh, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : Station House Officer Of The Out Post Jutemill, P. S. Kotwali, Raigarh, District Raigarh, Chhattisgarh.

---- Respondent

For Applicant : Mr. Abhishek Saraf, Advocate.
For Respondent/State : Mr. Anurag Verma, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****14/02/2020**

1. The accused/applicant has moved this **second bail application** under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 401/2019 registered at Police Station – Out Post- Jutemill, P.S.-City Kotwali, District - Raigarh (C.G.) for the offence punishable under Sections 454, 380 and 411 of the IPC.
2. The first bail application of the applicant was dismissed with liberty to revive the same after examination of material witnesses by this Court on 07.11.2019 in MCRC No. 5724/2019 and other connected bail applications.
3. The prosecution story, in brief is that, complainant Janak Patel lodged a complaint that some unknown person entered in his house and committed theft consequentially on the basis of memorandum of main accused some ornaments recovered from the present applicant and has been arrested. Based on this, offence has been registered against the present applicant.

4. 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 memorandum and seizure witnesses have not supported the prosecution case before the trial Court and the applicant is in jail since 17.07.2019, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.
5. On the other hand, counsel for the State opposes the bail application.
6. I have heard learned counsel for the parties and perused the case diary.
7. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicant and further considering the facts that memorandum and seizure witnesses have not supported the prosecution case before the trial Court and the applicant is in jail since 17.07.2019 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.
8. 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**

