

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8408 of 2019**

- Kamleshwar Kurre S/o Umesh Kurre Aged About 20 Years R/o Chote Jhumarpara Police Station Patna, Tahsil Baikunthpur, District Koriya Baikunthpur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : The Station House Officer, Police Station Surajpur, District Surajpur Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Pushkar Sinha, Adv.
For Respondent/State	:	Mr. Anurag Verma, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****07/02/2020**

1. The accused/applicant has moved this second bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 407/2018 registered at Police Station-Surajpur, District - Surajpur (C.G.) for the offence punishable under Sections 458 and 392/34 of the IPC.
2. Earlier the applicant had preferred an application under Section 439 of Cr.P.C. for releasing him on bail before this Hon'ble Court which has been dismissed as withdrawn with liberty to revive the same after examination of the material witnesses vide order dated 18.11.2019 in MCRC No. 5760/2019.
3. The brief facts of the prosecution, is that, on 23.10.2018 complainant Sanjay Kumar Sahu lodged a report that on 22.10.2018 at about 10:30 pm., when he and his family members after dinner were sleeping then at about 2-3 am. some unknown persons came their house with weapons and

after threatened them looted money and ornaments from his house. Based on this, offence has been registered against the present applicant and other co-accused persons.

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 the prosecution witnesses PW-1, PW-2 and PW-3 have not been supported the prosecution case and the other co-accused have already been granted bail in MCRC Nos. 7738/2019 and 4479/2019 so the present applicant may also be granted benefit of bail. The applicant is in jail since 24.01.2019, 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 the prosecution witnesses PW-1, PW-2 and PW-3 have not been supported the prosecution case and other co-accused have already been granted bail. The applicant is in jail since 24.01.2019 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**