

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 133 of 2020**

- Toran Dewangan S/o Mohan Lal Dewangan Aged About 32 Years R/o Village - Hasda, Chowki - Kandraka, Police Station And Tahsil - Berla, District - Bemetara, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : The Station House Officer Chowki - Kandraka Police Station Berla, District - Bemetara, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Sanjeev Kumar Sahu, Adv.
For Respondent/State	:	Ms. Reena Singh, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****02/03/2020**

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. 269/2019 registered at Police Chowki-Kandraka P.S. Berla, District - Bemetara (C.G.) for the offence punishable under Sections 457, 380, 435 read with 34 of the IPC and 4 of Prevention of Damage to Public Property Act.
2. The prosecution story, in brief is that, complainant lodged a report that on 22.03.2019 complainant closed the door of Gram Panchayat office with lock on 24.03.2019 people found that something was burning at Panchayat Office on this they informed to the complainant, complainant came to the spot and saw that back door of the Panchayat Office was opened and documents and furniture were burning and LED TV and Rs. 3000/- has been stolen on which complainant lodged a report. On the basis of memorandum the present applicant

and other co-accused have been arrested. Based on this, 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 memorandum of seizure witnesses have not supported the prosecution case. He next submits that 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, detention period of applicant and further considering the facts that the memorandum of seizure witnesses have not supported the prosecution case and 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