

HIGH COURT of CHHATTISGARH, BILASPUR**MCRC No. 492 of 2021**

- Raju Banjare S/o Jawahar Banjare, aged about 26 years, R/o ward no. 8, near hospital, Abhanpur Basti, police station Abhanpur, district Raipur, Chhattisgarh

-----Applicant**VERSUS**

- State of Chhattisgarh through: Chowki Birejhar, Police Station Kurud, District Dhamtari, Chhattisgarh

-----Respondent

For Applicant	: Mr. Vivek Mishra, Advocate
For Respondent- State	: Mr. Devesh Chand Verma, Govt. Adv.

Hon'ble Shri Parth Prateem Sahu, Judge**ORDER****18/02/2021**

1. This is second Bail Application filed under Section 439 of CrPC for grant of regular bail to the applicant, who has been arrested in connection with Crime No.442/2020, registered at Police Station-Chowki Birejhar, Police Station-Kurud, District Dhamtari, Chhattisgarh, for the offences under Sections 392 & 34 of IPC. First Bail Application was withdrawn with a liberty to repeat the same after some time.
2. Case of the prosecution is that, on 24.08.2020, at about 21:30 hours, the present application along with one Banti Ratre obstructed the way of complainant near Khursenga turn and snatched one Mobile phone, Silver ring and cash of Rs. 1,000/- from his possession.
3. Learned counsel for the applicant submits that applicant is a first offender, there is no any other criminal antecedents recorded against him before any of the police station. He being a young age boy aged about 26 years and in jail since 06.09.2020, he may be released on Bail. He also submits that the co-accused has already been enlarged on bail by this Court on 15.12.2020 in MCRC No. 6879/2020.

4. Mr. D.C. Verma, learned Government Advocate representing the State opposes the submissions made by the learned counsel for applicant and submits that one mobile phone, silver ring and a thousand rupees cash have been recovered from the possession of present applicant and he is the main accused, hence, he is not entitled for any benefit under Section 439 of CrPC.
5. I have heard learned counsel for the respective parties.
6. Upon putting query to learned counsel for the State with regard to any criminal antecedents against the present applicant, it is submitted that, as per the material available in the case diary, there is no criminal antecedents against the present applicant.
7. Taking into consideration the age of present applicant, pre-trial detention, nature of offences and case to be triable by the Magistrate, without commenting on merits of the case, I am inclined to allow the application.
8. Accordingly, the bail application is allowed. It is directed that the applicant be released on regular bail, upon furnishing a bail bond in the sum of Rs.10,000/- with one surety in the like sum to the satisfaction of the Court on the conditions that-
 - a) He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
 - b) The applicant shall not, in any manner, tamper with the prosecution witnesses.
 - c) If the applicant is found involved in similar offence in the future, it will be open for the State to apply for cancellation of Bail.
9. Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge