

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1068 of 2021**

- Samir Ali S/o Hanif Ali, Aged About 53 Years, R/o Sejbahar, Green City, Police Station Mujgahan, Tikrapara, Raipur, District Raipur Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station City Kotwali, District Baloda Bazar, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Anil Kr. Trivedi, Advocate.
For Respondent/State	:	Ms. Sunita Jain, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

28/05/2021

1. The Applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 525/2020, registered at Police Station – City Kotwali, District Baloda Bazar, (C.G.), for the offence punishable under Sections 393, 454, 34 and 120-B of the Indian Penal Code.
2. As per the prosecution story, on 12.8.2020 at about 2:15 PM, four unknown persons entered in the house of the complainant Shiv Narayan Soni and tried to loot him. Thereafter, matter was reported by Shiv Narayan Soni against unknown persons. On the basis of the said, offence has been registered. During course of investigation, present applicant was identified by the complainant at the time of T.I.P. Thereafter, he was arrested on 3.10.2020 and since then, he is in jail.
3. Learned Counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that two of the accused persons are absconded in this

case and other co-accused person namely Deepa Soni was granted bail by this Court on 22.1.2021 passed in MCRC No. 7895/2020. With regard to present applicant, there is no any direct evidence against him. He further states that complainant Shiv Narayan has been examined before trial Court and in his Court statement, he has not identified the present applicant. Therefore, it is prayed that he may be granted bail.

4. Per contra, learned Counsel appearing on behalf of 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 submissions put-forth on behalf of the parties, considering the facts and circumstances of the case, evidence collected by the prosecution and after going through the Court statement of the complainant which has been submitted by the applicant which is annexed with this application, and the fact that applicant is in custody since 3.10.2020, trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one solvent surety for the like amount to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge