

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 778 of 2021**

- Jasdev Singh S/o Shri Harjeet Singh, aged about 31 years, Occupation Poklane Operator, R/o village Kusmel, P/o Hamirpur, Police Station and Tahsil Tamnar, District Raigarh (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : The Station House Officer of the Police Station – City Kotwali, Tahsil and District Raigarh (C.G.)

---- Respondent

For Applicant	:	Shri Abhishek Saraf, Advocate
For Respondent	:	Ms. Smriti Shrivastava, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****10/03/2021**

1. The applicant has preferred this **second** bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.595/2019, registered at Police Station – City Kotwali, Tahsil and District Raigarh (C.G.) for the offence punishable under Sections 380, 34 IPC.
2. Earlier bail application of the applicant was dismissed as withdrawn.
3. The allegation against the present applicant is that he along with other co-accused persons not only committed theft of ATM machine installed near Central School, Circuit House Raigarh but also looted cash kept in the machine. Based on this, offence has been registered. The present applicant has been taken into custody on 17.02.2020.
4. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He

further submits that the present applicant has been implicated in the crime in question only on the basis of memorandum statement of other co-accused persons and nothing adverse has been found against the him. He also submits that the applicant is in custody since 17.02.2020 and looking to the detention period, he may be released on bail.

5. On the other hand, learned counsel for the State opposing the bail application submits that at the instance of applicant, one crowbar used in the crime has been seized from him.
6. I have heard learned counsel for the parties and perused the case diary.
7. Considering the totality of the facts and circumstances of the case, and further considering the fact that the applicant is in custody since 17.02.2020, without further commenting on merits of the case, I am inclined to release the applicant on bail.
8. Accordingly, the bail application is allowed.
9. It is directed that the applicant shall be released on bail on his executing a personal bond for a sum of Rs.50,000/- 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.

Certified copy, as per rules.

Sd/-

(Rajani Dubey)
Judge