

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 753 of 2021**

- Bablu Chouhan S/o Shyam Lal Chouhan Aged About 20 Years R/o Gangapur Nalapara, Police Station Gandhinagar Ambikapur, District Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Applicant**Versus**

- State of Chhattisgarh Through The Police Of Police Station Kotwali Ambikapur, District Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Non-applicant

For Applicant : Mr. Govind Prasad Dewangan, Advocate.

For State : Mr. Srikant Kaushik, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya**Order on Board****02-03-2021**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail as he is in jail since 28-10-2020 in connection with Crime No. 654 of 2020 registered at Police Station Kotwali, Ambikapur, District Surguja (CG) for the offence punishable under Sections 392 and 34 of IPC.
2. Case of the prosecution, in brief, is that the complainant lodged a report in Police Station stating therein that on 17-10-2020 at about 6.30 pm, the complainant was returning with her daughter from Mahamaya Book Depot after purchasing pen and marker and when they reached near Maharaja Gali, at that time applicant

along with co-accused came there by motor cycle, looted purse and some other articles of the complainant and in the said incident co-accused Ritesh Lakda was caught on the spot whereas the present applicant fled away from the spot.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case, present applicant has been arrested only on the basis of memorandum statement of the co-accused, and no seizure was made from the possession of the applicant. He would further submit that charge sheet has been filed, applicant is in jail since 28-10-2020 and conclusion of the trial is likely to take some time for its final disposal, therefore he may be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application and submits that one more criminal case is registered against the applicant.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, looking to the nature of offence, the fact that the offence is triable by the Magistrate, the detention period of the applicant and that conclusion of trial may take some time, without commenting anything on merits of the case, I am of the opinion that it is a fit case to grant bail to the applicant.

7. Accordingly, the application is allowed and it is directed that the applicant shall be released on bail on his executing a personal bond for a sum of Rs.1,00,000/- with two sureties of Rs.50,000/- each to the satisfaction of the concerned trial Court. He shall appear before the trial Court on each and every date given by the said trial court, till disposal of the trial. The applicant is being granted bail on the following conditions:

- i. he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court,
- ii. he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- iii. he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
- iv. he shall not involve himself in any offence of similar nature in future or else this order granting bail to the applicant shall automatically stand cancelled without further reference to this court.

Sd/-

(Gautam Chourdiya)
Judge

Raju