

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 1544 of 2021**

Rahul Thakur S/o B. Narayan Thakur Aged About 23 Years R/o Shayam Nagar Near Nagar Nigam Water Tank Bhilai, Tehsil And District Durg (Chhattisgarh)

---- Applicant**Versus**

State Of Chhattisgarh Through District Magistrate, District Durg (Chhattisgarh)

----Non-applicant

For Applicant	:	Mr. Avinash Chand Sahu, Advocate
For State	:	Mr. Raghvendra Verma, G.A.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****19/05/2021**

1. This is an application filed under Section 439 Cr.P.C. for grant of bail to the applicant, who has been arrested in connection with Crime No. 258/2019 registered at Police Station Newai, District Durg, Chhattisgarh for the offence punishable under Sections 457, 380, 411, 34 of the Indian Penal Code.
2. The present applicant is in jail since 12.10.2019 in connection with the aforesaid Crime number.
3. As per the prosecution case, the present applicant along with co-accused person is said to have committed theft in the house of the complainant in between 10.08.2019 and 11.08.2019. From the possession of the present applicant a JBL blue-tooth speaker was recovered, which is said to have been stolen from the house of the complainant.
4. According to the present applicant, he has already remained in custody for a period of more than 1 ½ years. According to the

applicant, only charge-sheet has been filed. The evidence of the prosecution is yet to start and in the present scenario, there is all likelihood of the trial getting prolonged. Moreover, according to the applicant, the co-accused Mayank Thakur has already been released on bail by this Court in MCRC No. 4279/2020 vide order dated 17.08.2020.

5. The State counsel on the other hand opposing the bail application submits that since the stolen property was seized from the possession of the present applicant and also considering the fact that he has remained in custody only for a period of 1 ½ years, he does not deserve to be released on bail.
6. Having heard the contentions put forth on either side and taking into consideration the total period of custody already undergone and also taking note of the recovery made from the possession of the present applicant and also considering the pandemic situation prevailing in the State, a strong case for grant of bail has been made out. Accordingly, the present application for grant of bail is allowed.
7. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.50,000/- with two sureties in the like sum to the satisfaction of the concerned Court for his appearance before the said Court as and when directed.

Sd/-
(P. Sam Koshy)
Judge