

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2511 of 2021**

- Roshan Yadav Son of Shyam Bihari Yadav Aged About 28 Years
R/o Rajivnagar, Ward No. 5, Supela, District Durg Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through- The Station House Officer, Police
Station Pulgaon, District Durg Chhattisgarh.

---- Respondent

For Applicant.	:	Mr. Jitendra Gupta, Advocate.
For Respondent/State	:	Mr. Roshan Dubey, PL

Hon'ble Smt. Justice Rajani Dubey**Order on Board****24.06.2021**

The applicant has filed **Second Bail Application** under Section 439 of the Code of Criminal Procedure for grant of regular bail in connection with Crime No. 34/2020 registered at Police Station: Pulgaon, District Durg (C.G.) for the offence punishable under Sections 394 & 397 of the IPC.

The First bail application of the applicant was rejected on 18.09.2020 passed in MCRC No. 4484/2020.

As per the prosecution case, the allegation against the present applicant is that he along with co-accused persons intercepted the complainant, assaulted him and ran away with the truck loaded with GI wires.

Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He next

contended that co-accused namely Pankaj Rai has already been granted bail by this Court on 03.02.2021 passed in MCRC No. 7777/2020. It is further submitted that the first bail of the applicant was rejected on the basis of previous antecedents but learned trial Court has granted bail to the applicant in his previous crime. He further contended that the applicant is in jail since 24.01.2020 and is ready to furnish adequate surety and shall abide by all the directions and conditions which may be imposed by the Court, therefore, the present applicant may be released on bail.

Per contra, learned State counsel opposes the bail application.

I have heard learned counsel for the parties and perused the case diary.

Considering the totality of the facts and circumstances of the case, nature of allegation, detention period of the applicant, I am of the opinion that present is a fit case to release the applicant on bail.

Accordingly, the bail application filed under Section 439 Cr.P.C. is allowed.

It is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of Rs. 50,000/- with one local surety in like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed till the disposal of the trial.

**Sd/-
(Rajani Dubey)
Judge**