

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 2595 of 2021**

Dharam Sahu @ Bandiya, S/o. Ajay Sahu, aged about 21 years, R/o. Nayapara, Goushala Para, in front of Shitla Mandir, Durg, P.S. City Kotwali Durg, Tehsil and District – Durg (C.G.).

---- Applicant

Versus

State of Chhattisgarh, Through : District Magistrate, District – Durg (C.G.)

---- Respondent

For Applicant : Mr. Avinash Chand Sahu, Advocate

For Respondent/State : Mr. Uddhav Sharma, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board**

17/05/2021

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.679/2020, registered at Police Station – Durg, District – Durg (C.G.) for the offence punishable under Section 457, 380, 427, 511, 34 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. Similarly placed co-accused person namely Akash Singh Awadhiya @ Mayur Singh has been enlarged on bail by the Coordinate Bench of this Court vide order dated 18.02.2021 in M.Cr.C. No. 8449 of 2020. Charge-sheet has been filed after completion of investigation. The applicant is in jail since 08.10.2020. Hence, it is prayed that the applicant may be released on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the allegation against the applicant and the others is of very serious nature, therefore, the applicant is not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, it is alleged that this applicant along with co-accused Akash Singh Awadhiya made an attempt to commit theft in ATM machine, regarding which, case has been registered.
6. Considered on the submissions. After taking into consideration this fact that co-accused has been granted bail and the case of this applicant is also similar. Further the case is now pending for trial, hence for this reason, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Vacation Judge