

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4220 of 2021**

- Jai Kishan Godara S/o Bir Bharam Godara, Aged About 19 Years R/o Village Adkhiyaar, Police Station Nokha, District Bikaner (Rajasthan).

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Devendra Nagar, Raipur, District Raipur Chhattisgarh.

---- Respondent

For Applicant.	:	Mr. Rahim Ubwani, Adv.
For Respondent/State	:	Mr. Vimlesh Bajpai, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****28.06.2021**

1. The applicant has filed this **Second bail application** under Section 439 of the Code of Criminal Procedure for grant of regular bail in connection with Crime No. 18/2020 registered at Police Station : Devendra Nagar, District Raipur (C.G.) for the offence punishable under Sections 394, 395, 120-B of the IPC and Sections 25 & 27 of the Arms Act.
2. After proper consideration of the facts and circumstances of the case, the earlier bail application of the applicant was rejected by this Court on 10.06.2020 passed in MCRC No. 3089/2020.
3. The present applicant has been arrested for the commission of offence punishable under Sections 394, 395, 120-B of the IPC and Sections 25 & 27 of the Arms Act. As per the prosecution case, the allegation against the present applicant is that he along with other co-accused persons went at complainant's house, knocked the door and robbed Rs.

50,14,000/- at gunpoint.

4. Mr. Rahim Ubwani, learned counsel appearing for the applicant would contend that the applicant has been falsely implicated in the crime in question as there is no direct allegation against the applicant and has been arrested only on the basis of memorandum statement of the co-accused person. It is one Ashok Jakhad, main accused of the crime, who has pointed the *Pistol* to the complainant and considering the same, this Court has enlarged the another co-accused namely Malchand Sharma on bail on 01.04.2021 passed in MCRC No. 8712/2020, annexed as Annexure A/2. Referring to Annexure A/3, No Objection Affidavit, counsel for the applicant next contended that compromise between the parties has been done and the complainant has no objection regarding the bail of the applicant. As the applicant is in jail since 16.02.2020, therefore, he may be released on bail.
5. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
6. I have heard learned Counsel for the parties.
7. Considering the facts and circumstances of the case, detention period of the applicant and further considering the no objection affidavit, without further commenting on merits of the case, I am inclined to release him on bail.
8. Accordingly, the bail application is allowed.
9. It is directed that the applicant shall be released on bail on his furnishing a sum of Rs. 1,00,000/- with one local surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as and when directed.

Sd/-

(Rajani Dubey)
Judge