

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 4511 of 2021

1. Sheikh Shahid @ Monu S/o Sheikh Nausad, Aged About 27 Years R/o Near Gurudwara, Pragati Nagar, Chaorda, Police Station Bhilai-3, Tahsil And District - Durg Chhattisgarh.

---- Applicant

Versus

1. State Of Chhattisgarh Through - Station House Officer, Police Of Police Station Purani Bhilai, District - Durg Chhattisgarh.

---- Respondent

For Applicant	Mr. Purnendra Khichariya, Advocate
For Respondent /State	Mr. Vikram Sharma, Dy. Govt. Adv.

*(Proceedings through Video Conferencing)*Order on BoardByPrashant Kumar Mishra, Ag. CJ16/8/2021

1. Heard.
2. The applicant has preferred this bail application under Section 439 of the Cr.P.C. for grant of bail as he has been arrested in connection with Crime No.227/2020, registered at Police Station Purani Bhilai, District Durg (CG), for the offence under Sections 392 & 397, 34 of the Indian Penal Code.
3. Applicant along with co-accused Ajay Bhoi & Akash Kholi have committed loot of mobile on point of knife from the complainant Tarun Kumar.

4. Learned counsel for the applicant would submit that at the time the alleged offence was committed on 5-8-2020 the applicant was in jail. The applicant refers to the order dated 18-8-2020 (Annexure – A/2) passed in MCrC No.4392 of 2020 by which he has been released on regular bail in respect of other crime i.e. Cr.No.34/2019. He would further submit that the applicant has been arrested on the basis of memorandum statement of co-accused Ajay Bhoi.
5. Learned counsel for the State, *per contra*, would oppose the bail application. He would submit that the applicant has two more criminal cases committed in the year 2013.
6. Considering the entire facts situation of the case, particularly considering the fact that the applicant has been arrested on the basis of memorandum statement of co-accused and his Test Identification Parade (TIP) has not been conducted; as also for the reason that the applicant is in jail since 20-2-2021; and the charge sheet has already been filed, I am of the opinion that present is a fit case to release the applicant on regular bail.
7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond for a sum of Rs.50,000/- with one surety in the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.
8. Certified copy as per rules.

Sd/-

(Prashant Kumar Mishra)
Acting Chief Justice

Gowri