

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 4732 of 2021**

- Yaman Gond S/o Dilip Gond Aged About 23 Years R/o Ganjpara Oodiya Mohalla Durg, Tehsil And District Durg, Chhattisgarh

---- Applicant***Versus***

- State Of Chhattisgarh Through The District Magistrate, Durg, Chhattisgarh

---- Respondent

 For Applicant : Shri Avinash Chand Sahu, Advocate
 For respondent/State : Shri BL Sahu, Panel Lawyer

Hon'ble Shri Justice N.K. Chandravanshi**Order On Board****16.11.2021.**

1. This is first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested on 07.02.2021 in connection with Crime No.112/2021 registered at Police Station Durg Distt. Durg (C.G.), for the offence punishable under Section 392, 34 of the Indian Penal Code, 1860 (for short 'IPC').

2. Brief facts of the case are that the in the intervening night of 06.02.2021 and 07.02.2021 at 12.00 hours near Ganjpara Chowk, Durg, present applicant and co-accused persons stopped complainant Shivam Gupta and Indrajit Mishra and looted one mobile phone worth Rs.5,000/- and cash of Rs.2,000/- from them. On the basis of above facts, present crime was registered against

present applicant and other co-accused persons and after investigation, charge sheet under Sections 392, 34 IPC was filed against the accused persons.

3. Learned counsel for the applicant submits that the applicant is innocent, he has been falsely implicated in the crime in questions, he is in jail since 07.02.2021, charge sheet has already been filed, hence, there is no chance of influencing the witnesses or absconding by the applicant. He would next submit that the case is triable by Judicial Magistrate First Class, hence, the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application stating that present applicant is an habitual offender, therefore, he is not entitled for grant of bail.

5. I have heard learned counsel for both parties, perused the case diary and the material available on record.

6. Considering the facts and circumstances of the case, nature and gravity of offence, also taking into consideration that charge sheet has already been filed and the applicant is in jail since 07.02.2021, he is said to be the permanent resident of District Durg, therefore, there is no chance of influencing the witnesses or absconding by the applicant, I feel inclined to allow the bail application. Therefore, the application under Section 439 of the CrPC is allowed. It is ordered that if the applicant furnishes one solvent surety for a sum of Rs.25,000/- along with one personal bond of the like sum to the satisfaction of the trial Court

concerned for his appearance before the concerned Court as and when directed by the said Court, he be released on bail.

Certified copy as per rules.

Sd/-

(N.K. Chandravanshi)
JUDGE

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