

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5510 of 2021**

- Karan Kumar, S/o Shri Lal Dhruv, Aged About 31 Years, R/o Village Ward No. 11, Chuiha District- Baloda Bazar- Bhatapara Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through S.H.O. P.S. Sakara, Mahasamund District Mahasamund Chhattisgarh.

---- Respondent

For Applicant : Mr. Ravindra Sharma, Adv.
For Respondent/State : Mr. Anurag Verma, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****15.09.2021**

1. The accused/applicant has moved this **second bail application** under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 131/2019 registered at Police Station- Sakara, District - Mahasamund (C.G.) for the offence punishable under Sections 397, 120-B of IPC and Section 25(1), (1-B) of Arms Act.
2. Earlier, the first bail application of the applicant was dismissed vide order dated 11.08.2020 passed in MCRC No. 1752/2020 by this Court.
3. The prosecution story, in brief is that, complainant Sanjay Kumar Yadav lodged a report alleging that on 08.07.2019, when he was returning after collecting an amount of Rs. 85,350/- from Women Self Help Group. Thereafter, at about 12:30 PM, near Village- Jerabharan three unknown persons stopped the complainant and threatened him on the point of pistol and also pouring petrol on him, committed loot of Rs. 85,350/-. Thereafter, offence has been registered against the present applicant and he has been taken into custody.
4. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that the complainant, independent eye-witnesses and

memorandum and seizure witnesses have not supported the prosecution case before the trial Court and turned hostile. He next added that present applicant is not a main accused person and he is in jail since 16.07.2019 and charge-sheet has already been filed, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.

5. On the other hand, counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the offence committed by the present applicant is of serious in nature, therefore, no case is made out for grant of bail.
6. I have heard learned counsel for the parties and perused the record.
7. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, and further considering the facts that the complainant, independent eye-witnesses and memorandum and seizure witnesses have not supported the prosecution case before the trial Court and turned hostile and the main allegation is against other co-accused persons. The applicant is in jail since 16.07.2019 and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.
8. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 50,000/-, with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.

Sd/-
(Rajani Dubey)
Judge

R/-