

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6215 of 2021**

- Rahul Singh, S/o Tejkumar Singh, Aged About 25 Years, R/o Village - Farda, Trikolia, Police Station Prayagpur, Tehsil - Prayagpur, District- Bahraich, U.P.

---- Applicant**Versus**

- State of Chhattisgarh, Through The Station House Officer, Police Station Pulgaon, District Durg Chhattisgarh.

---- Respondent

For Applicant : Mr. T.K. Jha, Adv.
For Respondent/State : Mr. Anurag Verma, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****22.09.2021**

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. 468/2019 registered at Police Station- Pulgaon, District Durg (C.G.) for the offence punishable under Sections 397, 392, 395, 307, 212, 120(B) of IPC.
2. Earlier, the first bail application of the applicant was dismissed vide order dated 19.08.2020 passed in MCRC No. 4534/2020 by this Court.
3. The prosecution story, in brief is that, on 26.09.2019, at about 9:40 P.M. when complainant Harijinder Singh, after closing his liquor shop, along with his supervisor Umesh Verma were going towards their house, three unknown persons stopped them and looted the key of the bicycle, mobile and bag containing cash amounting to Rs.1,50,000/-.It is further alleged that one of the accused had shot fire on him. 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 complainant has not supported the prosecution case before the trial Court and turned hostile. He next added that other co-accused have been enlarged on bail in MCRC Nos. 1334/2021 and 375/2020 and the applicant is in jail since 05.10.2019, 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 present applicant is a main accused person and cash of Rs. 800/- is also recovered from the possession of the applicant and he was present on the spot. He further submits 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 has not supported the prosecution case before the trial Court and turned hostile and other co-accused have been enlarged on bail in MCRC Nos. 1334/2021 and 375/2020. The applicant is in jail since 05.10.2019 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**