

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7335 of 2020

1. Ruben Jacob Massey S/o Novel Massey (Wrongly Written Masih) Aged About 38 Years R/o Baniyan 52, Housing Board Colony, Boria Kala, Raipur, District Raipur (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh Through P.S. Rajendra Nagar, District Raipur (C.G.).

---- Respondent

For Applicant	: Shri Pragalbha Sharma, Advocate.
For Respondent/State	: Shri Dinesh R.K. Tiwari, Dy. Govt. Advocate.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

08/01/2021

- 1) This is the First Bail Application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 17/09/2020 in connection with Crime No. 100/2020 registered at Police Station- Rajendra Nagar, District Raipur for the offence punishable under Section 420 read with section 34 of Indian Penal Code.
- 2) Case of the prosecution, in brief is that on 08/03/2020 a report was lodged by the complainant Rakesh Nahata that co-accused Harivivek Dahariya fraudulently took away 876.300 gram of gold worth Rs. 38,36,003/- from his jewellery shop but did not pay the amount. During investigation on interrogation being made from co-accused Harivivek Dahariya he disclosed that the said jewellery was given to the present applicant. On report being lodged to the above effect, offence under the aforesaid section has been registered against the applicant.

- 3) Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He submits that similar situated co-accused has already being granted bail by the Co-ordinate Bench of this Court vide order dated 17/12/2020 in MCRC No. 6766/2020 (Harivivek Dahariya Vs. State of CG). He further submits that the applicant is in jail since 17/09/2020, charge sheet has already been filed and conclusion of the trial is likely to take some time. Therefore, the present applicant be released on bail.
- 4) On the other hand, learned counsel for the respondent/State opposes the bail application.
- 5) Heard learned counsel for the parties.
- 6) Considering the facts and circumstances of the case, nature of allegation levelled against the applicant, he is in jail since 17/09/2020, in particular the fact that the similar situated co-accused has already been granted bail by the Co-ordinate Bench of this Court, charge sheet has already been filed and fact that the trial is likely to take some time for disposal, without commenting anything on merits of the case, the application is **allowed**. It is directed that in the event of applicant executing a personal bond for a sum of **Rs. 25,000/-** with **one** surety of Rs. 25,000/- to the satisfaction of the concerned Trial Court, he shall be released on bail. He is directed to appear before the Trial Court on each and every date given to him by the said Court, till disposal of the trial.
- 7) It is made clear that the applicant shall not involve himself in any offence of similar nature in future or else this order granting bail to the applicant shall automatically stands cancelled without further reference to the Bench.

-Sd/-
(Gautam Chourdiya)
Judge