

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7353 of 2020**

- Mayank Thakur @ Dadu S/o Khomlal Thakur, aged about 18 years, R/o House No. 112/H, Risali Sector, Bhilai, Near BSF Office, P.S. Nevai, Tehsil and District Durg (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : The Station House Officer Nevai, District Durg (C.G.)

---- Respondent

For Applicant	:	Shri B.P. Singh, Advocate
For Respondent	:	Shri Rakesh Sahu, Dy. G.A.

Hon'ble Smt Justice Rajani Dubey**Order on Board****28/01/2021**

1. The applicant has preferred this **second** bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.261/2019, registered at Police Station – Nevai, District Durg (C.G.) for the offence punishable under Sections 457, 380, 34 IPC.
2. Earlier bail application of the applicant was dismissed on merit.
3. The allegation against the present applicant is that he committed theft of 03 pieces of bronze plates, 3 pieces of bronze parats, 3 pieces of bronze buckets and one Murkhu machine in the house of complainant Ashok Kumar Thakur when he had gone to his village Hathod Kadhaibhadar, District Balod. Based on this, offence has been registered. The present applicant has been taken into custody on 12.10.2019.
4. Learned counsel for the applicant submits that the applicant

has been falsely implicated in the crime in question. He also submits that after rejection of first bail application, out of two seizure witnesses, one witness has been examined in the case before the trial Court and he has not supported the case of the prosecution and turned hostile. He also submits that the applicant is in custody since 12.10.2019 and looking to the detention period, he may be released on bail.

5. On the other hand, learned counsel for the State opposing the bail application submits that the applicant has criminal antecedent and as many as 12-15 cases of the same nature have been registered against him.
6. I have heard learned counsel for the parties and perused the case diary.
7. Considering the totality of the facts and circumstances of the case, nature of offence and further considering the fact that the applicant is in custody since 12.10.2019, without further commenting on merits of the case, I am inclined to release the applicant on bail.
8. Accordingly, the bail application is allowed.
9. It is directed that the applicant shall be released on bail on his executing a personal bond for a sum of Rs.50,000/- with one solvent surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as and when directed.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge