

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7590 of 2021**

- Sameer Singh, S/o Guljar Singh, aged about 40 Years, R/o Village Nevari, Chauki-Malhar, Police Station Masturi, District Bilaspur, Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh, Through Police Station Masturi, District Bilaspur, Chhattisgarh.

---- Non-applicant

For Applicant	Shri R.K. Gupta, Advocate.
For State	Shri Chitendra Singh, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

16/11/2021

1. First bail application preferred by the applicant was dismissed as withdrawn vide order dated 25.08.2021 passed in MCRC No. 3232 of 2021.
2. The applicant has preferred this second bail application under Section 439 of Cr.P.C. as he has been arrested in connection with Crime No.549/2020 registered at Police Station Masturi, District Bilaspur, C.G. for the offence punishable under Sections 394, 341 read with 34 of Indian Penal Code.
3. Case of the prosecution, in brief, is that on 17.12.2020 while complainant- Amit Soni along with his friend was returning to his home from market, on the way applicant along with another co-accused stopped them, assaulted upon complainant by stick, snatched his bag

and on the point of knife looted gold & silver ornaments worth Rs.16,89,000/- and cash of Rs.13,600/-. On report being lodged to the above effect, the offence under the aforesaid Sections have been registered against the applicant and another co-accused.

4. Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He submits that applicant has not committed any offence nor is involved in commission of any offence as alleged against him. He further submits that none of the witnesses including the complainant examined so far before the trial Court has identified the applicant. Applicant is in custody since 18.12.2020, charge sheet has been filed and conclusion of the trial is likely to take some time. Therefore, he may be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application. However, he submits that applicant has no criminal antecedent.
6. Heard learned counsel for the parties.
7. Considering the facts and circumstances of the case, the nature of allegation against the applicant, the fact that witnesses including the complainant and other important star witnesses have been examined but none of them has identified the present applicant, charge sheet has already been filed, the detention period of the applicant, who is 40 years old, the applicant has no criminal antecedent and there is no likelihood of the applicant tampering with the evidence or absconding as admitted by both the counsel and conclusion of trial may take some time, in the changed facts and circumstances of the case, without

commenting anything on merits of the case, this Court is of the opinion that present is a fit case to release the applicant on bail. Accordingly, the bail application is allowed. It is directed that in the event of applicant executing a personal bond for a sum of Rs.2,00,000/- with two sureties of Rs.1,00,000/- each to the satisfaction of the concerned trial Court, he shall be released on bail on the following conditions:-

- (i) he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court,
- (ii) he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
- (iv) he shall strictly follow the COVID-19 protocol issued by the Central Government / State Government / Local Authority.

Let a copy of this order be forwarded to the concerned police station forthwith who shall inform the trial Court in the event of applicant involving himself in any offence in future.

Sd/-
Gautam Chourdiya
Judge

Akhilesh