

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7376 of 2021**

- Golu Yadav S/o Shivnath Yadav Aged About 23 Years R/o Village- Vishram Nagar Dipka, Police Station- Dipka, District- Korba, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh, Through : Station House Officer, Police Station- Dipka, District- Korba, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Amit Singh Chouhan, Adv.
For Respondent/State	:	Mr. Wasim Miyan, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****29/10/2021**

1. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 264/2021 registered at Police Station-Dipka, District - Korba (C.G.) for the offence punishable under Sections 457 and 380/34 of the IPC.
2. The prosecution story, in brief in that, complainant Ramswaroop was working of watchman in the house of Charan Kunwar and also doing the work of ward boy in CHC and on 31.08.2021 in the night about 11:30 O'clock his neighbour Gulab Yadav called him through Mobile phone that on person entered the house for the purpose of theft, then he went there and found that 3-4 persons has broken the lock and entered the house for theft. When he was trying to caught hold they fled away from the spot. Based on this, offence has been registered against the present applicant

and other co-accused persons.

3. 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 only on the basis of suspicion and memorandum of Sonu Chauhan the present applicant has been implicated in the aforesaid crime and the applicant is in jail since 31.08.2021, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.
4. On the other hand, counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicant that he is in jail since 31.08.2021, 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.
7. 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**