

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8538 of 2020**

- Deepak Jataw, S/o Gulab Singh Jataw, Aged About 24 Years, R/o. Jatoi, PS Sadabad, District Hathras (UP) Mo. 9406028894.

---- Applicant**Versus**

- State Of Chhattisgarh Through The Police Station Pandri, District Raipur Chhattisgarh.

---- Respondent

For Applicant	: Mr. N. Naha Roy, Adv.
For Respondent/State	: Mr. Devesh Verma, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****23.03.2021**

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. 265/2016 registered at Police Station- Pandri, District Raipur, (C.G.) for the offence punishable under Sections 397, 120-B, 34 of IPC and 25,27 of the Arms Act.
2. The prosecution story, in brief is that, the complainant was looted by accused persons after a fire was shot at him through *desi katta*. Thereafter, 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 applicant is not a main accused person and he is not identified in TIP before trial Court. He next added that co-accused person has been granted bail in MCRC No. 1811/2017 by co-ordinate bench and the applicant is in jail since 11.11.2016 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 and the submission made in this respect. It is submitted that the offence committed by the present applicant is of serious in nature, therefore, no case is made out for grant of bail.
5. I have heard learned counsel for the parties and perused the record.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, and further considering the facts that applicant is not a main accused person and he is not identified in TIP before trial Court. He next added that co-accused person has been granted bail in MCRC No. 1811/2017 by co-ordinate bench and the applicant is in jail since 11.11.2016 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**

Ruchi