

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8847 of 2020

1. Rajindar Netam S/o Sahindar Netam Aged About 22 Years
Residence Of Khodro, Police Chouki Bariyo, Thana Rajpur,
District- Balrampur Ramanujganj (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh Through, Police Chouki Bariyo, Thana
Rajpur, District- Balrampur Ramanujganj (C.G.).

---- Respondent

For Applicant	: Shri Vikas Pandey, Advocate.
For Respondent/State	: Dr. (Ms.) Veena Nair, Dy. Advocate General.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

07/01/2021

- 1) This is the First Bail Application filed under Section 439 of Code of Criminal Procedure, 1973 by the applicant for grant of bail as he is in custody since 22/08/2020 in connection with Crime No. 155/2020 registered at Police Station Rajpur, District Balrampur Ramanujganj (C.G.) for the offence under Sections 457 & 380 of IPC.
- 2) Case of the prosecution in brief is that in the night intervening 16-17/08/2020 some unknown person committed theft of one mobile of Vivo company and two mobiles of M.I. company, worth Rs. 31,000/- and cash of Rs. 1,500/-. During investigation, on the basis of suspicion, the applicant was taken into custody and on his memorandum three mobile phones and the instrument used for breaking open the door were seized. 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 the applicant has been arrested merely on the basis of suspicion. The applicant is in jail since 22/08/2020, 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 22/08/2020, the offence is triable by Magistrate, 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. 50,000/-** with **two** sureties of Rs. 25,000/- each 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