

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8712 of 2020**

- Malchand Sharma, S/o Shri Ram Lal Sharma, Aged about 36 years, R/o Ward No. 01, Banawali, P. S. Lunkaransar Distt. Bikaner (R.J.) (*Wrongly mentioned as Vamanwali, P. S. Lunkarsar Distt. Bikaner in order sheet*).

Present R/o Station Road Raipur, Behind Samrat Machinery Distt.- Raipur (C.G.).

---- Applicant

Versus

- State Of Chhattisgarh Through- P. S. Devendra Nagar, District- Raipur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. R. S. Mahras, Advocate alongwith Mr. Pragalb Sharma, Advocate
For Respondent/State	: Ms. Ishwari Dhritlahre, P. L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****01/04/2021**

- 1) Heard
- 2) 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. 18/2020 registered at Police Station- Devendra Nagar, District Raipur, (C.G.) for the offence punishable under Sections 394, 395, 120 B of the IPC and Sections 25 & 27 of the Arms Act.
- 3) As per case of the prosecution, on 13.02.2020 the accused persons unauthorisedly entered into the flat of the complainant and assaulted him by hand and fist and on the gun point, committed robbery of Rs. 50 lakhs which was kept in the locker and from the purse of the complainant Rs. 14,000/- were also

taken and thereby committed the aforesaid offences.

- 4) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question as he has not committed any offence. He further submits that the stolen property was not seized from the present applicant. The applicant is in jail since 13.09.2020, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.
- 5) On the other hand, learned counsel for the respondent/State opposes the bail application.
- 6) Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, and further considering the fact that the applicant is in jail since 13.09.2020 and the trial is likely to take some time for its final disposal, without further commenting upon merits of the case, 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 him executing a personal bond in the sum of Rs.1,00,000/-, 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.

Certified copy as per rules

Sd/-

(Rajani Dubey)
Judge

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