

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9167 of 2020**

- Sonu Bansal S/o Shri Sheshmani Basod Aged About 22 Years R/o Keradol, Chirmiri Police Station Podi District Koriya Chhattisgarh., District : Koriya (Baikunthpur), CG. **---- Applicant**

Versus

- State of Chhattisgarh through S.H.O. Chirmiri District Koriya Chhattisgarh., District : Koriya (Baikunthpur), CG. **---- Non-applicant**

For Applicant	:	Mr. Dheerendra Pandey, Advocate.
For State	:	Mr. Amit Singh, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya**Order on Board****27-01-2021**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail as he is in jail since 21-10-2020 in connection with Crime No.406 of 2020 registered at Police Station Chirmiri, District Koriya (CG) for the offence punishable under Section 392, 34 of IPC.
2. The case of the prosecution, in brief, is that on 20-10-2020 complainant Anil Khanna went to weekly market for purchasing the vegetables and when he was purchasing the vegetables, one boy namely Akshay Basore aged about 13 years tried to commit theft of Rs.900/- and one mobile phone from him and when he tried to catch that boy, at the same time another boy namely Sonu Basore came there and threatened the complainant and looted the aforesaid articles and thereafter they ran away from the spot. During investigation, on the basis of suspicion, the applicant was taken into custody and on his memorandum Rs.500/- and one mobile phone was seized from the

present applicant.

3. Learned counsel for the applicant submits that the applicant is an innocent person and has been falsely implicated in this case. He would further submit that there is no other criminal antecedents against the present applicant, and the offence is triable by the Magistrate. He would further submit that the charge-sheet has been filed, present applicant is in jail since 21-10-2020 and conclusion of the trial is likely to take some time, therefore he may be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, nature of allegation leveled against the applicant, the age of the applicant, the detention period of the applicant, charge sheet has been filed, the applicant has no criminal antecedents as admitted by both the counsel and fact that the conclusion of the trial is likely to take some time, offence is triable by the Magistrate, without commenting anything on merits of the case, I am of the opinion that it is a fit case to grant bail to the applicant.
7. Accordingly, the application is allowed and it is directed that the applicant shall be released on bail on his 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 appear before the trial Court on each and every date given by the said trial court, till disposal of the trial. The applicant is being granted 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 them by the said Court till disposal of the trial.
- iv. he shall not involve himself in any offence of similar nature in future.

Sd/-

(Gautam Chourdiya)
Judge

Raju