

(2020) 01 CHH CK 0056

In the Chhattisgarh High Court

Case No : Miscellaneous Criminal Case No. 7334 Of 2019

Vijay Yadav And Anr

APPELLANT

Vs

State Of Chhattisgarh Through

RESPONDENT

Date of Decision : 10-01-2020

Acts Referred:

Indian Penal Code, 1860 — Section 380, 457
Code Of Criminal Procedure, 1973 — Section 439

Citation : (2020) 01 CHH CK 0056

Hon'ble Judges : Rajani Dubey, J

Bench : Single Bench

Advocate : Akshara Amit, Ashutosh Mishar, B.L. Sahu

Final Decision : Allowed

Judgement

? The accused/applicant has moved this first bail application under Section 439 of the Code of Criminal Procedure for releasing his on regular bail during trial in connection with Crime No. 166/2019 registered at Police Station - Gharghoda, District Raigarh (C.G.) for the offence punishable under Sections 457 & 380 of the IPC.

? The prosecution story, in brief, on 10.09.2019 a written complaint was made by the complainant Chhannulal Jangde that some unknown persons entered his house breaking the lock and stolen one golded chain, 2 golden bracelets, one earring, one ankle total worth of Rs. 1,50,000/- and Rs, 10,000/- cash. Based on this, offence has been registered. The present applicant has been taken into custody on 17.09.2019.

? Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the case. He further submits that the offence was committed by some unknown persons and applicants have been implicated in the case only on the basis of suspicion. As the applicants are in jail since 17.09.2019 and they are ready to furnish adequate surety and shall abide by all the

directions and conditions which may imposed by this Court, the present applicants may be released on bail.

? On the other hand State counsel strongly opposes the bail application.

? I have heard learned counsel for the parties and perused the entire material available on record.

? Taking into consideration the nature and gravity of the offence, facts and circumstances of the case and further considering the fact that they are in jail since 17.09.2019 and as 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 applicants on bail. Accordingly, the application is allowed.

? Accused/applicants are directed to be released on bail on his executing a personal bond in the sum of Rs. 50,000/- each with one local surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the said Court on each and every date given to them by the said Court.