# HIGH COURT OF CHHATTISGARH, BILASPUR

**MCRC No. 4650 of 2016**

Ashok Yadav, S/o. Shyam Lal Yadav, Aged About 35 Years, R/o. Achanakpara Ward No.09 Bagbahara, Thana & Tahsil - Bagbahara, Civil & Revenue Distt. Mahasamund, Chhattisgarh.

**---- Applicant**

**Versus**

State Of Chhattisgarh, Through the Station House Officer, Police Station- Bagbahara, Civil & Revenue Distt. Mahasamund, Chhattisgarh .

**---- Respondent**

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For Applicant : Mr. Sumit Shrivastava, Advocate

For Respondent : Mr. Vinod Tekam, Panel Lawyer

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**Hon'ble Shri Justice Goutam Bhaduri**

**Order On Board**

**17.08.2016**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.75/2016, registered at Police Station- Bagbahra, District Mahasamund (C.G.) for the offence punishable under Section 457, 380 of Indian Penal Code.

2. Case of the prosecution, in brief, is that on the intervening night of 3/4-05-2016, the applicant entered into the house of the complainant Shakuntala and thereafter committed theft of house hold articles and silver coins worth Rs.2000/-.

3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case and he has not committed any offence. He further submits that the goods are also not been identified and the applicant is in jail since 10.07.2016, therefore, he may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.

5. Perused the case diary and the documents. Considering the facts and circumstances of the case, nature of offence and degree of allegation and further considering the fact that the applicant is in jail since 10.07.2016, I am inclined to release the applicant on bail.

6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.

7. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-
**(Goutam Bhaduri)**
Judge

Ashok