

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4840 of 2017

- Rajesh Sahu Alias Chotu S/o Raghunath Sahu, Aged About 19 Years R/o Near Pump House Torva, Thana Torva, District Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Sarkanda, District Bilaspur, Chhattisgarh.

---- Non-applicant

For Applicant : Dr. Shailesh Ahuja, Advocate.

For Non-applicant : Shri Surya Kant Mishra, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

03.11.2017

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.

2. Perused the charge-sheet provided by the learned counsel for the State in connection with crime No. 317/2016 registered at Police Station – Sarkanda, District – Bilaspur (C.G.) for the offence punishable under Sections 457, 380 of the Indian Penal Code.

3. Case of the prosecution, in brief, is that on 09.05.2016 between 2 to 4 am the Complainant – Chandralekha Vidyadhar was sleeping with her family members in the house in village Mopka. The door was opened. At around 4 am the Complainant found that her

ornaments worth Rs. 30,000/- have been stolen. Some ornaments have been recovered from the said applicant at the instance of his memorandum.

4. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in the case, therefore, he may be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application.

6. Looking to these circumstances and other facts of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, the trial will take its own time, applicant is in custody since 24.05.2017, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the present applicant.

7. Consequently, the bail application is allowed.

8. It is directed that if the applicant furnishes one solvent surety for a sum of Rs.15,000/- along with a personal bond in the like sum to the satisfaction of the concerned Trial Court with the condition that he will appear before the Trial Court at 11:00 am as and when directed till trial and will cooperate during the trial, he shall be released on bail.

9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE