

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2640 of 2017**

- Rameshwar Prasad @ Nanhu S/o Jay Kripal Sahu Aged About 26 Years R/o Village-Barhol Manja, Police Station & Tahsil- Ramanujnagar, District- Surajpur, Chhattisgarh.

**---- Applicant
(in jail)****Versus**

- State of Chhattisgarh Through Station House Officer, Police Station- Baikunthpur, District- Korla, Chhattisgarh.

---- Respondent

 For the Applicant : Shri D.N. Prajapati, Advocate.

For the Respondent/State : Ms. K. Tripathi Rao, Panel Lawyer.

Hon'ble the Vacation Judge**Order on board****29/05/2017**

1. The applicant has filed this application under Section 439 of the Cr.P.C. for grant of regular bail as he was arrested in connection with Crime No.332/2016, registered at Police Station-Baikunthpur, District-Korla(C.G.), for the offence punishable under Sections 457 and 380 of Indian Penal Code(for short 'IPC').
2. I have heard learned counsel for the parties and perused the case diary.
3. Learned counsel for the applicant submits that the applicant has not committed any offence, he has been falsely implicated in the crime in question and he is in custody from 24.12.2016. His bail applications have been rejected by the Courts below. Charge-sheet has already been filed before the trial Court. It is submitted that co-accused Satanand, who was arrested in this case has been granted bail by this Court in M.Cr.C. No.893 of 2017 by order dated 15.3.2017. The case of applicant is also similar to that of co-accused Satanand, hence, he is entitled for bail.
4. On the other hand, learned State counsel opposes the bail application.
5. Considering the facts and circumstances of this case and that the co-accused in

this case has been released on bail by orders of this Court, the case of the applicant is also similar to that of co-accused Satanand which is based on FIR by complainant Md. Aziz on 12.12.2016 that a theft committed in a shop in which a number of mobile phones were stolen. During investigation, some mobile phones were recovered from the possession of applicant and rest of the mobile phones were recovered from the co-accused Satanand, who has been released on bail.

6. Considering the period of detention of the applicant, fact that he has no criminal antecedents and further considering the fact that disposal of trial will take some time, I am of the view that present is a fit case to enlarge the applicant on regular bail. Accordingly, bail application is allowed. The applicant is directed to be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one solvent surety in the like amount to the satisfaction of the Court below concerned for his regular appearance before it, as & when directed.

7. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Vacation Judge

Nisha