

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 1133 of 2018**

Deepu Nishad, S/o. Shivshankar Nishad, Aged About 28 Years, R/o. Village Sadiapur, Kisani Tola, P. S. Kareli, Distt. Allahabad, U.P.

---- Applicant**Versus**

State Of Chhattisgarh, Through The District Magistrate, Durg, District Durg Chhattisgarh.

---- Respondent

For Applicant	: Mr. Rakesh Thakur, Advocate with Mr. Sharad Nayan Pandey, Advocate
For State/respondent	: Ms. K. Tripti Rao, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****04/04/2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.97/2017, registered at Police Station – Durg, District – Durg (C.G.), for the offence punishable under Section 457, 380, 34 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. Applicant is in jail since 25.12.2017. No case is made out against this applicant on the basis of the material present in the charge-sheet. Presently, the case is

before the trial Court and the trial against this applicant is likely to take sometime for its conclusion. Hence, prayed that the applicant may be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the applicant is resident of Uttar Pradesh, hence, if he is released on bail, he shall not be available for trial, hence, the applicant may not be released on bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. The case of the prosecution in brief is that a theft of gold and silver ornaments took place in the shop of complainant – Nitesh Parakh in Durg. After lodging of FIR, during the investigation, some of the articles have been recovered from the possession of this applicant at his instance. No TIP has been conducted during the investigation about the property recovered and seized.
6. Considered on the submissions made and the contents of the case diary. After considering the facts and circumstances of the case and also taking into consideration this fact that the co-accused in this case has been enlarged on bail, hence for this reason, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram