

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 2537 of 2018**

- Sarkar Ali S/o Darbar Ali Aged About 30 Years R/o- Village- Jhalmala, Thana- Seepat, Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

**---- Applicant**

**Versus**

- State Of Chhattisgarh Through- Police Station- Khamtarai, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

**---- Respondent**

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| For Applicant  | : | Mr. Samir Singh, Advocate.     |
| For Respondent | : | Mr. N. K. Mehta, Panel Lawyer. |

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**

**Order On Board**

**18/06/2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.332/2016 registered at Police Station- Khamtarai, District – Raipur(C.G.) for the offence punishable under Sections 379/34, 411 & 201 of the Indian Penal Code.
2. Learned counsel for the applicants submits that applicants are innocent and have been falsely implicated in this case. Applicants are in jail since 3.7.2017. No case is made out against him. Trial against him is still pending before the concerned trial Court. He is local resident of this State and is ready to abide by all the conditions and directions, which may be imposed while granting bail to him. Hence, it is prayed that applicant be enlarged on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect.
4. Heard both the parties and perused the case diary.
5. According to the prosecution case, a truck bearing registration No.15/AC-4784 was stolen from the possession of Shiv Prasad which was recovered on the basis of the memorandum statement given by this applicant. Hence, this case.
6. Considered on the entire material present in the case diary as it appears that the trial against these applicants are still pending. Applicant is local resident of this State and his availability before the trial Court shall not be compromised if he is enlarged on regular bail, for this reason, I am of this view that this is a fit case where applicant should be enlarged on regular bail.
7. Accordingly, the bail applications filed under Section 439 of Cr.P.C. are allowed. It is directed that the applicants shall be released on bail on their furnishing a personal bond for a sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-  
**(Rajendra Chandra Singh Samant)**  
Judge