

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 2647 of 2018**

Shailesh Yadav @ Shailu Yadav S/o Late Uday Ram Yadav  
Aged About 32 Years R/o- Dewar Para, Rajim, Post Office And  
Police Station- Rajim, District- Gariyaband, Chhattisgarh.

---- Applicant

**Versus**

State Of Chhattisgarh Through- The Station House Officer,  
Police Station- Rajim, District- Gariyaband, Chhattisgarh.

---- Respondent

|                   |   |                                   |
|-------------------|---|-----------------------------------|
| For the Applicant | : | Shri Shivendu Pandya, Advocate    |
| For the State     | : | Shri U.K.S. Chandel, Panel Lawyer |

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**Hon'ble Shri Justice Sharad Kumar Gupta**

**Order On Board****09/05/2018**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with the Crime No. 269/2017 registered at Police Station Rajim, District Gariyaband (C.G.) for the offence punishable under Sections 457 and 380 of IPC.
3. Case of the prosecution, in brief is that on 26/12/2017 complainant Dr. Mohammad Anwar Tigala, who is resident of Ward No. 1, Ashrampara, Rajim had gone of some family function. He returned back on 30/12/2017 then he found that one LG T.V., one Induction Stove, two Gas Cylinder, one Mobile, some utensils, one wall clock had been stolen. The worth of stolen property is Rs.7,000/-. The memorandum of appeal Shailesh Yadav @ Shailu was recorded and one T.V., two

Gas Cylinder, one Mobile were seized from him.

4. Learned counsel for the applicant submits that applicant is innocent and falsely implicated in the present case and the applicant is in custody since 16/01/2018, therefore, he shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application and submits that earlier ten cases had already been registered against the present applicant.
6. Looking to the above mentioned facts and circumstances of the case, looking to this fact that there is no likelihood of the accused to abscond and tamper the evidence, offences are triable by Judicial Magistrate First Class, charge-sheet has already been filed and the trial will take its own time, applicant is in jail since 16/01/2018, this Court is inclined to give the benefit of Section 439 of the Cr.P.C. to the present applicant.
7. Consequently, the bail application filed under Section 439 of the Cr.P.C., is allowed.
8. It is directed that if the applicant furnishes two solvent sureties each for a sum of Rs. 25,000/- along with a personal bond of Rs. 50,000/- in the like sum to the satisfaction of the concerned Court with the condition that he shall appear before the trial Court at 11.00 am as and when directed till trial and he would cooperate during the trial, he shall be released on bail.
9. Certified copy as per rules.

Sd/-

**(Sharad Kumar Gupta)**  
Judge