

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3228 of 2018**

Satish Yadav S/o Ramprasad Yadav, Aged About 26 Years R/o-
Village- Pathrra, Thana- Rajim, District- Gariyaband,
Chhattisgarh.

---- Applicant

Versus

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

---- Respondent

For the Applicant	:	Shri K.K. Dewangan, Advocate
For the State	:	Shri U.K.S. Chandel, Panel Lawyer

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 380, 457, 34 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 to 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 Satish Yadav was recorded and one Induction Stove was

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 06/01/2018, therefore, he shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application.
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, the trial will take its own time, offences are triable by Judicial Magistrate First Class, charge-sheet has already been filed and applicant is in jail since 06/01/2018, 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 one solvent surety for a sum of Rs. 25,000/- along with a personal bond of Rs. 25,000/- 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