

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C. No. 3779 of 2018**

Dileshwar Patel, S/o. Shyamchand Patel, Aged About 23 Years, R/o. Chainpur, Tahsil Kartala, District Korba Chhattisgarh.

---- Applicant

**Versus**

State Of Chhattisgarh, Through : The Station House Officer, Police Station Kotararoad, Raigarh, District Raigarh Chhattisgarh.

---- Respondent

|                |   |                               |
|----------------|---|-------------------------------|
| For Applicant  | : | Mr. Akhtar Hussain, Advocate  |
| For Respondent | : | Mrs. Smita Ghai, Panel Lawyer |

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

**Order On Board**

**17/07/2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 105/2018, registered at Police Station- Kotararoad, Raigarh, District – Raigarh (C.G.) for the offence punishable under Section 381 of the Indian Penal Code.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. Applicant is in jail since 02.05.2018. No case is made out on the basis of the material present in the case diary. No such seizure of any articles have been made from the possession of this applicant to connect him with the stolen property in this case. Charge-sheet in this case has been filed after completion investigation. Hence, it is prayed that the applicant may be enlarged on bail.
3. On the other hand, the learned counsel appearing for the State opposes the bail application and the submission made in this respect.

4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. Complainant Shashank Agrawal has lodged FIR alleging that according to the video footage recorded in his place of residence, this applicant, who is the domestic helper in his house had on number of occasions entered into the room of the parents of the complainant and stolen cash and various articles gold and silver from the almira and locker of the said room. After lodging of FIR, recovery of cash of Rs.9,000/-, one mobile and a receipt has been seized from the possession of this applicant. Hence, this case.
6. Considered the submissions made and the contents of the case diary. After consideration on all the material present in the case diary, it appears that the report of such video footage has not been received till date from the forensic laboratory, further taking into consideration the facts and circumstances of this case, 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 Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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