

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 4263 of 2018**

- Raja Sande S/o Aarju Sande Aged About 24 Years R/o Bapu Nagar Raigarh, Tahsil District Raigarh Chhattisgarh.

**---- Applicant**

**In Jail**

**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station Kotra Road District Raigarh Chhattisgarh.

**---- Respondent**

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|----------------------|---|---------------------------|
| For Applicant        | : | Shri VK Pandey, Advocate. |
| For Respondent/State | : | Shri Vivek Sharma, G.A.   |

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**Hon'ble Shri Pritinker Diwaker, J**

**Order On Board**

**03/07/2018**

The applicant has filed this application under Section 439 of CrPC for grant of bail as he is in custody since 20.5.2018 in connection with Crime No.62/2018 registered at Police Station – Kotra Road, Raigarh, Distt. Raigarh for the offence punishable under Sections 457 & 380 of IPC.

02. As per prosecution case, on 3.3.2018 the applicant entered the house of complainant Kishore Toppo and committed theft of two cell phones and cash of Rs.10,000/-.

03. Counsel for the applicant submits that the applicant is a sweeper and he found one cell phone lying on the road and was using the

same, however, he has been falsely implicated in this crime. He submits that the applicant is in jail since 20.5.2018, all the offences are triable by the Magistrate, charge sheet has already been filed, the applicant has no criminal antecedents and that conclusion of the trial may take some time, and therefore, the applicant may be released on bail.

04. On the other hand, State counsel opposes the bail application.

05. Heard counsel for the parties and perused the material available on record.

06. Considering the totality of the case, in particular the nature of allegations against the applicant, without further commenting on merits of the case, I am inclined to release the applicant on bail. Accordingly, the application is allowed. The applicant is directed to be released on bail on his furnishing a personal bond of Rs. 50,000/- with one surety for the like sum to the satisfaction of the concerned trial Court for his appearance before it as and when directed.

Sd/-

**(Pritinker Diwaker)**

**Judge**