

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 5185 of 2018**

Pradeep Singh, S/o Shri Pihuk Singh, aged about 21 years, R/o Tifra, Sirgitti, Police Station Sirgitti, District Bilaspur (CG).

---- Applicant**Versus**

State of Chhattisgarh, through the Station House Officer, Police Station Sirgitti, Civil and Revenue District Bilaspur (CG).

---- Non-applicant

For Applicant : Mr. KPS Gandhi, Advocate.

For Non-applicant : Ms. Smita Ghai, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****11.09.2018**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the counsel for the State in connection with Crime No.199/2018 registered at Police Station Sirgitti, District Bilaspur for the offence punishable under Sections 461, 34 of Indian Penal Code.
3. Case of the prosecution, in brief is that complainant Milan Ram Bandhkar is running a Kiosk (Gumti) in which he sales shoes and slippers. He has a Kiosk in front of Kali Mandir, Tifra, Bilaspur. During the intervening night in between 03.06.2018 and 04.06.2018, 10 pairs of shoes, 15 pairs of slippers and some other articles have been stolen by the applicant and co-accused Laxmi Narayan.
4. Counsel for the applicant submits that the applicant has not committed any offence. He is innocent and has been falsely implicated in

the present case, therefore, he may be released on bail.

5. On the other hand, counsel for the State opposes the prayer for grant of bail to the applicant. However, he submits that no criminal antecedents is reported against the applicant in the police case diary.
6. I have heard counsel for the parties and perused the case diary with utmost circumspection.
7. Looking to these facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence; offence is triable by any Magistrate and the trial is likely to take some more time for its final disposal, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the applicant.
8. Accordingly, the present bail application filed under Section 439 of the Cr.P.C., is allowed.
9. It is directed that if the applicant furnishes one solvent surety for a sum of Rs.25,000/- along with a personal bond in the like sum to the satisfaction of the concerned Trial 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 co-operate during the trial, he shall be released on bail.
10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-