

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5426 of 2018**

Ajay Nand S/o Iiyat Nand, Aged About 35 Years R/o- Mission Compound, Police Station- Janjgir, District- Janjgir-Champa, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through- Officer In Charge Police Station- Gole Bazar, Raipur, District- Raipur, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Badruddin Khan, Advocate
For the State	:	Ms. Smita Ghai, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**23/08/2018**

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. 380/2017 registered at Police Station Gole Bazar, Raipur, District Raipur (C.G.) for the offence punishable under Section 379 of IPC.
3. Case of the prosecution, in brief is that the intervening night of 13.12.2017 and 14.12.2017, one Pajero Car of the complainant Abdul Khalid Qureshi was stolen by the applicant.
4. Learned counsel for the applicant submits that applicant is innocent and falsely implicated in the present case, applicant is in custody since 21/04/2018, therefore, he shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail

application and submits that no other criminal case is registered against the present applicant.

6. Looking to the above mentioned facts and circumstances of the case, looking to other facts that there is no likelihood of the accused to abscond and tamper the evidence and applicant is in jail since 21/04/2018, 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. 50,000/- along with a personal bond 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