

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5424 of 2018**

Babal Gond @ Ramdhani S/o Ram Singh Aged About 20 Years
Caste Gond R/o Village Orgai, O. S. And Tehsil Sonhat District
Koriya Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The District Magistrate
Baikunthpur District Koriya Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Vijay Kumar Sahu, 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. 66/2018 registered at Police Station Sonhat, District Koriya (C.G.) for the offence punishable under Sections 457, 380 and 436 of IPC.
3. Case of the prosecution, in brief is that in the intervening night between 13.05.2018 and 14.05.2018 at village Dhumadand applicant had stolen one woofer, three sound box, four pass-book, ration card from the house of the complainant Nandu and thereafter set-fire in his house and caused damage of Rs.10,000/- to the complainant.
4. Learned counsel for the applicant submits that applicant is innocent and falsely implicated in the present case, applicant is in custody

since 16/05/2018, therefore, he shall be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application and submits that one case under Sections 151, 107 and 116 of CrPC has been registered against the present applicant.
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 and applicant is in jail since 16/05/2018, 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 two solvent sureties for a sum of Rs. 15,000/- each along with a personal bond of Rs. 30,000/- 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