

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5375 of 2018**

Sunil Vishwakarma S/o Late Shri Randhir Vishwakarma Aged About
29 Years R/o Dipra Para Durg Tahsil And District Durg Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The District Magistrate Durg And Also
Through The Police Station Bhilai Nagar District Durg Chhattisgarh.

---- Respondent

For the Applicant	:	Ms. Laxmin Kashyap, Advocate
For the State	:	Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**18/09/2018**

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 counsel for the State in connection with the Crime No. 41/2018 registered at Police Station Bhilai Nagar, Durg, District Durg (C.G.) for the offence punishable under Section 379/34 of IPC.
3. Case of the prosecution, in brief is that on 21/01/2018 complainant Sakharam Chandrakar lodged a report of theft of his mobile in Police Station, Durg. During the investigation applicant, co-accused Harish, Tameshwar Chaturvedi have been arrested. Memorandum of applicant was recorded one mobile and some other articles have been seized from him.
4. Learned counsel for the applicant submits that applicant is innocent and falsely implicated in the present case, therefore, he shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail

application.

6. Looking to the above mentioned facts and circumstances of the case and as per the statement of the Govt. Advocate there is no antecedents of the applicant, 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. It is directed that if the applicant furnishes two solvent sureties for a sum of Rs. 20,000/- 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.
8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde