

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 5471 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- District Magistrate, Durg And Also Through Police Station- Bhilai Nagar, District- Durg, Chhattisgarh.

---- Respondent

For Applicant	: Shri Pushpendra Kumar Patel, Advocate.
For Respondent/State	: Shri UKS Chandel, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

25/09/2018

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime no. 462/2015, registered at Police Station Bhilai, District Durg (C.G.) for the offence punishable under Section 379/34 of the IPC.
2. As per the prosecution story, on 13.06.2015 complainant Sakham Chandrakar has lodged a report, wherein it was alleged that some unknown person has stolen his mobile phone of Samsung Company. On the basis of said report FIR has been registered. During course of investigation on the memorandum statement of the present applicant, said mobile phone has been seized from his possession and he has been arrested on 31-01-2018.
3. Learned counsel appearing on behalf of the Applicant submits that applicant is innocent and has been falsely implicated in the present case. He further submits that the applicant is in custody since 31-01-2018 and trial will take some time. Therefore, applicant may be

released on bail.

4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for both the parties.
6. Considering the facts and circumstances of the case and evidence collected by the prosecution, further considering the fact that the applicant is in custody since 31-01-2018, offence is triable by Judicial Magistrate First Class and trial will likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one solvent surety for the like amount to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.

**Sd/-
(Arvind Singh Chandel)**

Judge