NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5634 of 2018

Ritesh Kumar Nayak S/o Kunwar Ram Nayak Aged About 24 Years Caste Ghasi, R/o Village Ghuidand, Gattibunda, Police Station Tapkara, District Jashpur Chhattisgarh.

---- **Applicant**

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Tapkara, Civil And Revenue District Jashpur Chhattisgarh

---- **Respondent**

For the Applicant	:	Shri J.K. Saxena, Advocate
For the State	:	Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

28/08/2018

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 Istgasa No. 01/2018 registered at Police Station Tapkara, District Jashpur (C.G.) for the offence punishable under Sections 41 (1-4) of the Cr.P.C and under Section 379 of IPC.
3. Case of the prosecution, in brief is that on 13/07/2018 near about 3.30 a.m. in main road Kersai Behramuda, Sub Inspector M.J. Firdousi, P.S. Tapkara had stopped a pick-up bearing registration number JH 07 G 1872 and seized 21 pieces teakwood worth Rs. 1 Lakh, 2 Saw from the applicant. Other co-accused have been absconded from the aforesaid vehicle.
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 antecedent against 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 one solvent surety for a sum of Rs. 30,000/- 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