

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 5904 of 2018**

Gangadhar @ Guddu, son of late Indrajeet, aged about 30 years, R/o Village Sohli, Tahsil Martinganj, Fulpur, P.S. Bardah, District Ajamgarh (UP).

---- Applicant**Versus**

State of Chhattisgarh, through Station House Officer, Police Station Sitapur, District Surguja (CG).

---- Non-applicant

For Applicant : Ms. Hamida Siddiqui, Advocate.

For Non-applicant : Mr. Sumit Jhanwar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****04.10.2018**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and his no other bail application is pending before any other Court.
2. Perused the case diary provided by the counsel for the State in connection with Crime No.144/2017 registered at Police Station Sitapur, District Surguja for the offence punishable under Sections 379/34 of Indian Penal Code.
3. Case of the prosecution, in brief is that the applicant and co-accused Ibrahim, Rashid, Sonu and Rohit have stolen Mahindra Bollero bearing Registration No.C.G.13C-4251 from the outside of house of the complainant Radheshyam Agrawal.
4. Counsel for the applicant submits that the applicant has not committed any offence. He is innocent and has been falsely implicated in

the present case and, therefore, he may be released on bail.

5. On the other hand, counsel for the State opposes the prayer for grant of bail to the applicant. He further submits that one criminal case has already been registered against the applicant.

6. I have heard counsel for the parties and perused the case diary with utmost circumspection.

7. Looking to this facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence; and the trial is likely to take some more time for its final disposal, this Court is inclined to give benefits of Section 439 of CrPC to the applicant.

8. Accordingly the bail application filed under Section 439 of CrPC is allowed. It is ordered that if the applicant furnishes two solvent sureties each for a sum of Rs.25,000/- along with one personal bond of Rs.50,000/- to the satisfaction of the concerned Trial Court with this condition that will not involve himself in any of the crime in future, he be released on bail.

9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-