

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5862 of 2018**

- Devlal @ Deva Chandravanshi S/o Shahidram Chandravanshi Aged About 33 Years R/o- Village- Bagrekasa, Thana- Bortalav, Tahsil- Dongargarh, District- Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

- The State Of Chhattisgarh Through- Police Station- Dongargarh, District- Rajnandgaon, Chhattisgarh.

---- Non-applicant

For Applicant : Shri Samir Singh, Advocate.

For Non-applicant : Ms. Smita Ghai, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****31.08.2018**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with crime No. 203/2017 registered at Police Station – Dongargarh, District – Rajnandgaon (C.G.) for the offence punishable under Sections 457, 380/34 of the Indian Penal Code.
3. Case of the prosecution, in brief is that complainant Arnold Hansda is the resident of New Sector, Achholi Ward No.9, Dongargarh, in the intervening night of 04.07.2017 and 05.07.2017 from his house ornaments worth Rs. 1,50,000/-, cash Rs. 40,000/- total Rs. 1,90,000/- had been stolen by the applicant and coaccused Narsingh Verma, Shravan Verma, Kamlesh Verma

from his house.

4. The case is triable by the Judicial Magistrate First Class, Dongargarh.
5. Learned counsel for the applicant submits that the applicant has no criminal background. He is innocent and has been falsely implicated in the present case, therefore, he shall be released on bail.
6. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no antecedent against the applicant.
7. Looking to the facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, the trial will take its own time, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the present applicant.
8. Accordingly, the present bail application filed under Section 439 of the Cr.P.C., is allowed.
9. It is directed that if the applicant furnishes one solvent surety for a sum of Rs.30,000/- along with a personal bond of like sum to the satisfaction of the concerned Trial Court with the condition that he will 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.
10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE