

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5908 of 2018**

- Mukesh Patel S/o Bhagwat Patel Aged About 19 Years R/o- Kumhari, Police Station- Kumhari, District- Durg, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Devendra Nagar, Raipur, District- Raipur, Chhattisgarh.

---- Non-applicant

For Applicant : Mr. Malay Shrivastava, Advocate.

For Non-applicant : Mr. Washim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****06.09.2018**

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.125/2018 registered at Police Station – Devendra Nagar District – Raipur (C.G.) for the offence punishable under Sections 380/34 of the Indian Penal Code.
3. Case of the prosecution, in brief is that at Shop No. 42 in Mahalaxmi Market Pandri, Raipur sub-office of the Sharada Dairy on 19.06.2018 collection amount of Rs. 4,15,955/- was kept in the locked room. Applicant and coaccused Bobby Patel who was peon stolen Rs.

4,15,955/- On the memorandum of the co-accused Bobby Patel Rs. 4,10,590/- has been seized from the house of the applicant.

4. The offence is triable by the Judicial Magistrate First Class.

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.

7. Looking to these 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 two solvent sureties for a sum of Rs.30,000/- each along with a personal bond of Rs. 60,000/- to the satisfaction of the concerned Trial Court with the condition that he will not involve in any crime in future, 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