

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5918 of 2018**

- Manish Suryawanshi S/o Late Manohar Lal Suryawanshi Aged About 28 Years R/o Village Nargoda, P. S. Seepat Tahsil And District Bilaspur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The P. S. Sarkanda District Bilaspur Chhattisgarh.

---- Non-applicant

For Applicant : Shri Pravin Kumar Tulsyan, Advocate.

For Non-applicant : Shri Neeraj Sharma, Dy. Government Advocate

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 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. 507/2017 registered at Police Station – Sarkanda District – Bilaspur (C.G.) for the offence punishable under Section 379 of the Indian Penal Code.
3. Case of the prosecution, in brief is that on 22.07.2018 at about 05:45 am to 6:00 am, complainant Durga Choudhary was returning back to her house after morning walk. One unknown person came from back side on motorcycle and snatched her Mangal Sutra (necklace) and run

away.

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 and submits that two other criminal cases have been registered against the applicant u/s 379 IPC.
7. Looking to the facts and circumstances of the case, looking to the fact that the offence triable by Judicial Magistrate First Class, looking to the certified copy of the statement of the complainant recorded by the trial Court where she turned hostile, 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.25,000/- each along with a personal bond of Rs. 50,000/- 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