

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6393 of 2018**

Bhaves Bothra, S/o Late Lunkaran Bothra, Aged About 41 Years,
R/o Santoshi para, Bhanupratappur, District North Bastar Kanker
Chhattisgarh

---- Applicant**Versus**

State of Chhattisgarh, Through Police Station Korar, District North
Bastar Kanker Chhattisgarh,

---- Respondent

For Applicant. : Shri Arun Kochar, Advocate.
For Respondent. : Shri Ashutosh Pandey, P.L.

Hon'ble Smt. Justice Rajani Dubey
Order on Board

04/10/2018

1. The applicant has filed this *First bail application* under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody since 08.08.2018 in connection with Crime No.48/2018 registered at Police Station : Korar, North Bastar, Kanker (C.G.) for the offence punishable under Sections 457, 380 and 411 of the IPC.
2. As per the prosecution case, the complainant has lodged an FIR before Police Station that on 03.08.2018 at about 7.00 a.m. when he went to temple of Goddess Durga to offer prayer he saw that a theft was committed in a temple and certain ornaments of the diety were stolen which valued to Rs. 38,700/-. During investigation and on the basis of memorandum of statement of the applicant some ornaments has been seized from his possession. The offence has been registered against the present applicant and he is in custody

since 08.08.2018.

3. Learned counsel for the applicant submits that the applicant has falsely implicated in the present case. He further submitted that the applicant is in custody since 08.08.2018, charge-sheet has not been filed yet and trial will likely to take some more time, therefore, he may be released on bail.
4. On the other hand, State counsel opposes the bail application.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the totality of the facts and circumstances of the case and the fact that the applicant is in custody since 08.08.2018 and the offence is triable by Judicial Magistrate First Class, trial will take some more time, this Court is of the opinion that it is a fit case to release the applicant on bail.
7. Accordingly, the application is allowed.
8. It is directed that the accused/applicant shall be released on bail on his furnishing a personal bond of Rs.25,000/- with one surety for the like sum to the satisfaction of the concerned Court for his appearance before it as and when directed.

Sd/-
(Rajani Dubey)
Judge