

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6790 of 2018**

Bobby Patel S/o Shri Ashok Patel Aged About 18 Years R/o Patel Para, Ward No. 3, Kumhari, Post Office And Police Station Kumhari District Durg Chhattisgarh.

---- Applicant

Versus

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

---- Respondent

For the Applicant	:	Shri Shivendu Pandya, Advocate
For the State	:	Shri S.K. Mishra, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**11/10/2018**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. Perused the case diary provided by the counsel for the State in connection with the Crime No.125/2018 registered at Police Station Devendra Nagar, District Raipur (C.G.) for the offence punishable under Section 380/34 of IPC.
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 co-accused Mukesh Patel who stolen Rs.4,15,955/-. On the memorandum of the present applicant Rs. 4,10,590/- has been seized from the house of the co-accused.
4. Counsel for the applicant submits that applicant is innocent and falsely implicated in the present case, therefore, he shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application. He further submits that there is no antecedents against the

applicant.

6. Looking to the above mentioned facts and circumstances of the case, this Court has already granted bail to the co-accused Mukesh Patel in MCRC No. 5908/2018 on 06/09/2018, 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 and offence is triable by the Judicial Magistrate First Class, this Court is inclined to give the benefit of Section 439 of the Cr.P.C. to the present applicant.
7. Consequently, the bail application filed under Section 439 of the Cr.P.C., is allowed. 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 Court with the condition that he will shall not involve in any crime in future, he shall 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.
8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde