

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6778 of 2018

- Pawan Shrivastava @ Boda S/o Gautam Shrivastava aged about 28 Years R/o Atal Awas Imalibhata Bilaspur, P.S. Sarkanda, Tahsil and District - Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through The Police Station Kota, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	: Shri P.K. Tulsyan, Advocate.
For Respondent/State	: Shri Sangharsh Pandey, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

23/10/2018

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 199/2017, registered at Police Station – Kota, District- Bilaspur, (C.G.) for the offence punishable under Sections 380 & 457/34 of the Indian Penal Code.
2. As per the prosecution story, on 18.07.2017, Complainant Suresh Lodhi lodged a report in Police Station – Kota, District- Bilaspur, (C.G.), wherein it has been alleged that in the night some unknown persons stole cash Rs. 20,000/- from his house. On the basis of said report, offence has been registered against unknown persons. On the basis of memorandum given by the present Applicant, Rs. 5,000/- has been seized from his possession. The applicant was arrested on 20.07.2017.
3. Learned counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. He

is in custody since 20.07.2017. Charge-sheet has already been filed. Vide order dated 18.04.2018, passed in M.Cr.C. No. 1614 /2018 by this Court, Co-accused Chhotu Yadaw has been granted bail. Trial of the present case is likely to take some time. Therefore, he may be released on bail.

4. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution that he is in custody since 20.07.2017 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one solvent surety for the like amount to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge