

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6797 of 2018**

Ashish Kumar Gupta S/o Dilip Kumar Aged About 19 Years R/o Village - Barela , P.S.- Jarhagaon, Dist - Mungeli Chhattishgarh, District : Mungeli, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, P.S. - Takhatpur, Dist- Bilaspur Chhattishgarh, District : Bilaspur, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Ishwar Jaiswal, Advocate
For the State	:	Shri Neeraj Sharma, Dy. Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**30/10/2018**

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.319/2018 registered at Police Station Takhatpur, District Bilaspur (C.G.) for the offence punishable under Section 380, 34 of IPC.
3. Case of the prosecution, in brief is that on 07/08/2018 complainant Haji Abdul Nadeem Ansari was offering Namaz at Mosque in Mandi Chowk Takhatpur. He had put down the bag in which Rs.3,40,000/- cash was present, some unknown person stolen the bag. On memorandum of applicant Rs.20,000/- has been seized from him.
4. Learned counsel for the applicant submits that he 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 two other criminal cases have been registered under Section 380 of IPC against the applicant.

6. Looking to the above mentioned 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 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 ordered that if the applicant furnishes two solvent sureties for a sum of Rs. 25,000/- each along with one personal bond of Rs. 50,000/- to the satisfaction of the trial Court concerned with the condition that he will not involve himself in any of the crime in future, he be released on bail.
8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge