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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 6791 of 2018**

Samnu Gond S/o Nanka Gond Aged About 45 Years Caste Gond, R/o Village Baskhali, P. S. And Tahsil Kotma, District Anuppur, M. P., District : Anuppur, Madhya Pradesh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Ramanujnagar, District Surajpur Chhattisgarh, District : Surajpur, Chhattisgarh.

---- Respondent

For the Applicant : Shri Surfaraj Khan, Advocate.
For the Respondent/State : Shri Avinash K. Mishra, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****22.10.2018**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.100 of 2017, registered at Police Station – Ramanujnagar, District Surajpur, Chhattisgarh for the offence punishable under Sections 457 and 380 of the Indian Penal Code.
2. Learned counsel for the applicant submits that the applicant is in jail since 9.10.2017 and has been falsely implicated in this case. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. Similarly placed co-accused persons have been granted regular bail by this Court and by the Court below. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect.
4. Heard counsel for both the parties and perused the case diary.
5. FIR has been lodged, alleging that 48 numbers of batteries from BSNL towers were stolen by unknown persons. During investigation, batteries have been recovered and seized from the applicant and the co-accused persons. After completion of investigation, the charge-sheet has been filed.
6. Considering the material present in the case-diary, now the case is before the trial Court and no purpose would be served if the applicant is kept in detention for the whole period of trial, hence, this application deserves to be allowed.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge