

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.Cr.C. No. 7076 of 2018**

Vishnu Agaria S/o Ajay Agaria Aged About 21 Years R/o Sonpuri, Police Station Kotwali, District Korba Chhattisgarh, District : Korba, Chhattisgarh.

**---- Applicant****Versus**

State Of Chhattisgarh Through The Station House Officer, Out Post Manikpur, Police Station Kotwali, District Korba Chhattisgarh, District : Korba, Chhattisgarh.

**---- Respondent**

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For the Applicant : Shri S.B. Pandey, Advocate.  
For the Respondent/State : Shri Vijay Bahadur Singh, P.L.

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant****ORDER****29.10.2018**

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.163 of 2018, registered at Outpost Manikpur, Police Station – Kotwali, District – Korba, Chhattisgarh for the offence punishable under Sections 457, 380 and 395/ 34 of the Indian Penal Code.
2. Learned counsel for the applicant submits that the applicant is in jail since 13.3.2018 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, namely, Mohd. Imron and Komal Sahu have been granted bail by this Court in M.Cr.C. No. 2607 of 2018, vide order dated 17.05.2018. 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. As per the prosecution case, 70 kg of copper wire was stolen from SECL workshop. After lodging of FIR and on the basis of the memorandum statement given by Vishnu and Mohd. Imron, some seizure of copper wire was made from the applicant. Hence, this case.

6. Considering the material present in the case-diary and taking into consideration the fact that similarly placed co-accused persons have been granted regular bail by this Court, I feel inclined to grant regular bail to the applicant in this case.

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

Nimmi