

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6837 of 2018

- Sahab Singh S/o Gurumukh Singh Jat (Panjabi) Aged About 48 Years R/o Chawol Police Station Ajnala District Amritsar (Panjabi) Presently R/o At Village Kaudia Police Station Nawagarh Tahsil Nawagarh District Bemetara Chhattisgarh, District : Bemetara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through - Station House Officer Police Station Nawagarh Civil And Revenue District Bemetara Chhattisgarh, District : Bemetara, Chhattisgarh

---- Non-applicant

For Applicant : Mr. Vinod Tekam, Advocate.

For Non-applicant : Mr. Ashok Swarnkar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

30.10.2018

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with crime No. 227/2017 registered at Police Station – Nawagarh, District Bemetara (C.G.) for the offence punishable under Sections 457, 380/34 of the Indian Penal Code.
3. Case of the prosecution, in brief is that in the intervening night of 21.12.2017 and 22.12.2017, Rs. 58,82,319.86 have been stolen from the District Cooperative Central Bank Limited Durg branch Nawagarh by

unknown persons. Rs. 23 lakhs were deposited in the bank account of the applicant.

4. Learned counsel for the applicant submits that the applicant has no criminal background. He is innocent and has been 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, however, he submits that there is no antecedent against the applicant.

6. The complicity of the applicant has been mentioned in the memorandum of the coaccused Amrit Paul which is not admissible in evidence.

7. Looking to these 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 benefit of Section 439 of the Cr.P.C. to the present applicant.

8. Accordingly, the present bail application filed under Section 439 of the Cr.P.C., is allowed.

9. It is directed that if the applicant furnishes two solvent sureties for a sum of Rs.25,000/- each along with a personal bond of Rs. 50,000/- to the satisfaction of the concerned Trial Court with the condition that he will not involve in any crime in future, he will 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.

10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE