

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7108 of 2018**

Komu Nishad S/o Leeladhar Nishad Aged About 20 Years Caste-
Kenwat, R.O- Ward No. 6, Behind Janpad Panchayat, Gunderdehi,
Police Station- Gunderdehi, District- Balod, CG ---- **Applicant**

Versus

State Of Chhattisgarh Through- Station House Officer, Police Station-
Gunderdehi, District- Balod, CG ---- **Respondent**

For applicant	Mr. Shikhar Bakhtiyar, Adv.
For Respondent/State	Mr. Ashok Swarnkar, Adv.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****26-10-2018**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and his no bail application is pending before any other court.
2. The applicant has been arrested in connection with Crime No. 148/2018 registered in police station Gunderdehi, Distt. Balod (CG) for offence punishable under Section 457, 380, IPC.
3. Prosecution story in brief is that one Permanand Dewangan runs a daily needs shop at Main Road, Sikosa. In the intervening night of 13th and 14th of April, 2018 some unknown person breaking lock of the said shop stolen his motorcycle bearing registration No. CG 26 B 0175, Gutka pouch and cold drink. On the memo of the applicant recorded in Crime No. 49/2018 registered in P.S. Ranchirai, said motorcycle was seized from the applicant. The offence is triable by Magistrate.
4. Counsel for the applicant argued that the applicant is innocent and falsely implicated hence he be released on bail.
5. On the other hand, the Panel Lawyer appearing for the State opposed the bail application. However, he submits that no criminal antecedent of the applicant is reported in the police case diary.
6. Looking to the above facts and circumstances of the case, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the applicant. Consequently, the application 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 commit any offence in future and he will appear before the concerned trial Court at 11 AM as and when directed till trial, he be released on bail.

7. CC as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge