

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 7538 of 2018**

- Abhishek Yadav, S/o Shri Kanhaiya Yadav Aged About 20 Years R/o Kalika Nagar, Tifra, Police Station - Sirgitti, Tahsil And District - Bilaspur, Chhattisgarh.
- Rupesh Pawar, S/o Kamal Rao Pawar Aged About 18 Years R/o Kalika Nagar, Tifra, Police Station - Sirgitti, Tahsil And District - Bilaspur, Chhattisgarh.

**---- Applicants**

**Versus**

- State of Chhattisgarh Through Station House Officer, Police Station - Sirgitti, District - Bilaspur, Chhattisgarh.

**---- Respondent**

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For Applicants : Shri Gautam Khetrapal, Advocate.  
For Respondent/State : Shri U.K.S. Chandel, Panel Lawyer.

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**Hon'ble Shri Justice Arvind Singh Chandel**  
**Order On Board**

**12/10/2018**

1. This is the first bail application of the applicants under Section 439 of the Cr.P.C. for grant of regular bail as they are arrested in connection with crime No. 331/2018, registered at Police Station – Sirgitti, District- Bilaspur, (C.G.) for the offence punishable under Sections 457, 380 of the Indian Penal Code.
2. As per the prosecution story, on 26.08.2018, Complainant Harish Shyamdasani lodged a report wherein it was stated that on the date of incident i.e. 14.08.2018, some unknown persons have stolen cigarettes of different companies, CCTV camera, one micromax mobile handset and cash of Rs. 4,000/-, in all total worth Rs. 30,000/- from his shop. On the basis of said report, offence has been registered against the Applicants namely Abhishek Yadav and Rupesh Pawar. During course of investigation, on the basis of memorandum of

the Applicant No. 1, Abhishek Yadav, Rs. 200/- and one *Sabba* were seized from him and on the basis of memorandum of Applicant No. 2, Rupesh Pawar, one mobile of black colour and Rs. 300/- were seized from him.

3. Learned counsel appearing on behalf of the Applicants submits that the Applicants are innocent and have been falsely implicated in the case. He further submits that the Applicants have no criminal antecedent, they are in custody since 26.08.2018 and trial will take some time. Therefore, they may be released on bail.
4. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the applicants have no criminal antecedent, they are in custody since 26.08.2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release them on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicants shall be released on bail on each of them executing a personal bond for a sum of Rs. 20,000/- with one solvent surety for the like amount to the satisfaction of the Trial Court for their appearance before the said Court as and when directed.

Sd/-  
**(Arvind Singh Chandel)**  
**Judge**