

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No.7595 of 2018**

Santosh Joshi, S/o Purr Prasad Joshi, aged about 30 years, R/o Bhedetara,
P.S. Nandani, District Durg (CG). **---- Applicant**

Versus

State of Chhattisgarh, through Station House Officer, Police Station Saja,
District Bemetara (CG). **---- Non-applicant**

For Applicant : Mr. Suresh Kumar Verma, Advocate.
For Non-applicant : Mr. Ramakant Pandey, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****03.12.2018**

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.271/2018 registered in Police Station Saja, District Bemetara for the offence punishable under Sections 457, 380 of the Indian Penal Code.
3. Prosecution story in brief is that complainant Surendra Kumar Dubey is a priest of Vishwakarma Temple situated at village Dahimahi. In the intervening night of 14/15.02.2018, 02 silver crowns and 01 wedding necklace, the total of Rs.7,400/- have been stolen by some unknown thief.
4. Counsel for the applicant submitted that the applicant is innocent and has been falsely implicated in the present case hence he may be released on bail.
5. Counsel for the State opposed the prayer for grant of bail to the applicant however, he submitted that there is no criminal antecedent reported against the applicant.
6. On the memorandum of the applicant, 01 silver crown and one silver necklace (Mala) were seized from him.
7. Looking to these facts and circumstances of the case, looking to the amount of consideration, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence; and the trial is likely to take some more time for its final disposal, this Court is inclined to give benefits of Section 439 of the CrPC to the applicant. Accordingly, the bail application is allowed.

8. It is directed that if the applicant furnishes one solvent surety for a sum of Rs.25,000/- along with a personal bond in the like sum to the satisfaction of the concerned Trial Court with the condition that he shall appear before the Trial Court at 11:00 am as and when directed till trial and he would co-operate during the trial, he shall be released on bail.

9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)

JUDGE

L/-