

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 8040 of 2017**

- Bhullu @ Sunjit Nishad S/o Shri Premchand Nishad, Aged About 34 Years, R/o Bakshikurd Heeralal Floor Mill Street Allahabad (U.P.) At Present R/o of Diprapara Bargawa, Thana And Tahsil Akaltara Civil And Revenue District Janjgir-Champa Chhattisgrh. , Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station Kotwali Durg, Civil And Revenue District Durg Chhattisgarh. , Chhattisgarh

---- Non-applicant

For Applicant – Mr. Sunil Sahu, Advocate.

For Non-applicant/State – Ms. Smita Ghai, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order on Board****05-03-2018**

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 04-10-2017 in connection with Crime No.97/2017 registered at P.S. Kotwali Durg, District Durg Chhattisgarh for the offence under Section 457, 380, 34 of the IPC.
2. It is submitted on behalf of the applicant, that the applicant is innocent and he has been falsely implicated in this case. The applicant is in jail since 04-10-2017. The case against him is triable by JMFC. He is ready to abide by all the conditions to be imposed on grant of bail. Hence, it is prayed that the applicant may be granted regular bail.
3. Learned counsel for the State/non-applicant opposes the application and submits that looking to the memorandum statement given by this applicant, he appears to be habitual in receiving and disposing off stolen property. Hence, he is not entitled for grant of bail.
4. Heard learned counsel for the parties and perused the case diary.
5. Complainant Nitesh Parakh owner of Mahaveer Jewellers lodged the FIR

in P.S. Kotwali Durg about theft of ornaments of gold and silver jewellery from his shop by unknown person. Co-accused Vishwanath was apprehended and interrogated who named this applicant and on that basis this applicant was apprehended and interrogated and at his instance 24 numbers of silver ornament *paya*/ was seized from his possession.

6. Considered on the submissions made and contents of the case diary.

7. Considered on the evidence that is proposed against this applicant for his prosecution in this case and on that basis, I am of this opinion that this applicant should be benefited with grant of regular bail during pendency of the trial against him.

8. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the 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 Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge