

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8165 of 2017**

Jaikishnan @ Jaiki S/o Sukhsen, Aged About 22 Years R/o Kanchan Dafai, Khongapani, Thana Jhagrakhand Tahsil Manendragarh District Koriya Chhattisgarh.

---- Applicant

Versus

The State Of Chhattisgarh Through Police Station Jhagrakhand District Koriya Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Parag Kotecha, Advocate
For the Non-applicant	:	Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****01/03/2018**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with the Crime No. 166/2017 registered at Police Station Jhagrakhand, District Koriya (C.G.) for the offence punishable under Sections 392, 34 of the Indian Penal Code and as per challan Section 3/181, 5/180 of Motor Vehicle Act.
3. Case of the prosecution, in brief is that on 05/10/2017 complainant Smt. Sushila Vishwakarma was feeding the foodgrains to the pigeon near Hanuman Temple at Village Khongapani. The applicant and another co-accused Mohammad Salman used their motorcycle and the motorcycle was driven by Mohammad Salman. Applicant was

pillion rider and he snatched Mangalsutra of the complainant which was recovered from him.

4. Learned counsel for the applicant argued that the applicant is in custody since 05/10/2017, thus he may be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application.
6. Looking to the 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, that the applicant is in jail since 05/10/2017, this Court is inclined to give the benefit of Section 439 of the Cr.P.C. to the present applicant.
7. Consequently, the bail application filed under Section 439 of the Cr.P.C., is allowed.
8. It is directed that if the applicant furnishes one solvent surety for a sum of Rs.15,000/- along with a personal bond in the like sum to the satisfaction of the concerned Court with the condition that 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.
9. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge