

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 8036 of 2018**

Shivkumar Kumhar, son of Manharan Lal, aged about 43 years, R/o Village Bhouradih, Police Station Seepat, District Bilaspur (CG). **---- Applicant**

Versus

State of Chhattisgarh, through Station House Officer, Police Station Seepat, Civil and Revenue District Bilaspur (CG). **---- Non-applicant**

For Applicant	: Mr. Nitansh Kumar Jaiswal, Advocate.
For Non-applicant	: Mr. Satish Gupta, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

04.12.2018

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the counsel for the State in connection with crime No.93/2017 registered at Police Station Seepat, Civil & Revenue District Bilaspur for the offence punishable under Sections 379 of Indian Penal Code.
3. Case of the prosecution, in brief is that in the intervening night of 6/7.5.2017, one tractor bearing Registration No.C.G.10-D-151764 and one trolley bearing Registration No.C.G.10-D-15779 had stolen from the possession of the complainant Manoj Kumar Bhoi by some unknown person from village Jangi.
4. Counsel for the applicant submits that the applicant has not committed any offence. He is innocent and has been falsely implicated in the present case, therefore, he may be released on bail.
5. On the other hand, counsel for the State opposes the prayer for grant of bail to the applicant. He further submits that no criminal antecedent reported against the applicant in police case diary.
6. On the memorandum of the applicant, the aforesaid tractor and trolley were seized from him.
7. Looking to these facts and circumstances of the case, 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 benefit of Section 439 of the Cr.P.C. 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/-