

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8137 of 2018**

- Lukky Jhariya S/o Late Chhabilal Jhariya, aged about 18 Years R/o Jagriti Nagar, Urkura, Raipur, District Raipur, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through The Station House Officer, Police Station Khamtarai, Civil and Revenue District Raipur, Chhattisgarh.

---- Respondent

For Applicant	: Shri Pushpendra Kumar Patel, Advocate.
For Respondent/State	: Shri Sangharsh Pandey, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

13/11/2018

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 07/2018, registered at Police Station – Khamtarai, Civil and Revenue District - Raipur, (C.G.) for the offence punishable under Sections 41 (1+4) of Cr.P.C. read with 379/34 of the Indian Penal Code.
2. As per the prosecution story, on 29.09.2018, on the basis of information received from an informant, police personnels searched the present Applicant and co-accused and seized total 7 mobile phones and one motorcycle from their possession. Since, the accused persons were not able to produce any document with regard to the said seized articles, offence has been registered against them. The present Applicant has been arrested on 29.09.2018.
3. Learned counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. He

further submits that the Applicant has no criminal antecedent, he is in custody since 29.09.2018 and trial will take some time. Therefore, he 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 record.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the Applicant has no criminal antecedent, he is in custody since 29.09.2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on 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 his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge