

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 8083 of 2018**

Lukky Jhariya, son of late Chhabilal Jhariya, aged about 18 years, R/o Jagriti Nagar, Urkura, Raipur, District Raipur (CG). **---- Applicant**

Versus

State of Chhattisgarh, through Station House Officer, Police Station Khamtarai, Civil & Revenue District Raipur (CG). **---- Non-applicant**

For Applicant	: Mr. Pushpendra Kumar Patel, 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.514/2018 registered at Police Station Khamtarai, Civil & Revenue District Raipur for the offence punishable under Sections 379/34 of Indian Penal Code.
3. Case of the prosecution, in brief is that on 17.09.2018 at about 11:30 am. in front of Foreign Liquor Shop at Transport Nagar, the motor-cycle of the complainant Teerath Das bearing Registration No.MH-40-A.G.-8184 had stolen by some unknown persons.
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 previous three criminal cases, out of which, two under of IPC and one under of CrPC have already been registered against the applicant in police case diary.
6. On the memorandum of the applicant, the aforesaid motor-cycle was 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/-