

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No.8301 of 2018**

Ghanshyam Markam @ Bittu, S/o Shri Rajesh Markam, aged about 26 years,
R/o Bahanakadi, P.S. Mandirhasaud, District Raipur (CG). **---- Applicant**

Versus

State of Chhattisgarh, through Police Station Vidhansabha, District Raipur
(CG). **---- Non-applicant**

For Applicant : Ms. Sunita Sahu, Advocate.
For Non-applicant : Mr. Suryakant Mishra, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****15.11.2018**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and his no bail application is pending before any other Court.
2. The applicant has been arrested in connection with Crime No.282/2018 registered in Police Station Vidhansabha, District Raipur for the offence punishable under Sections 457, 380, 411, 34 of the Indian Penal Code.
3. Prosecution story in brief is that in the intervening night of 06.08.2018 and 07.08.2018 from the warehouse of the Housing Board Nardaha unknown persons had stolen the electric fitting materials, the total worth of Rs.10,19,214/-.
4. Counsel for the applicant submitted that the applicant is innocent and has been falsely implicated in the present case hence he may be released on bail.
5. Counsel for the State opposed the prayer for grant of bail to the applicant, however, he submits that no criminal antecedent reported against the applicant in police case diary.
6. On the memorandum of applicant, one motor-cycle was seized from the possession of him.
7. Two others co-accused, one Doman Das Ratre @ Bhandari and another Bhukhan @ Shravan Sahu have already been released by this Court vide order dated 12.11.2018 passed in M.Cr.C. No.6488/2018 & M.Cr.C. No.6921/2018, respectively. The case of the present applicant is not severe than the aforesaid applicants, who have already been enlarged on bail.
8. 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 benefits of Section 439 of the CrPC to the applicant. Accordingly, the bail application is allowed.

9. 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.

10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)

JUDGE

L/-