

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 9313 of 2018

- Shamim Khan S/o Mutfar Khan Aged About 38 Years R/o Village Shahpur, P. S. Kumarganj District South Dinajpur W. B. Preset Address Sanjay Nagar Raipur P. S. Tikrapara Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station City Kotwali, District Dhamtari Chhattisgarh, District : Dhamtari, Chhattisgarh

---- Non-applicant

For Applicant	: Mr. P.K. Tulsyan, Advocate.
For Non-applicant	: Shri S.K. Mishra, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

06.12.2018

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 learned counsel for the State in connection with crime No. 307/2018 registered at Police Station – City Kotwali, District- Dhamtari (C.G.) for the offence punishable under Sections 457, 380/34 of the Indian Penal Code.
3. Case of the prosecution, in brief is that on 03.07.2018 between 8 am to 2 pm in front of PWD rest house, Subhash Nagar Dhamtari from the house of complainant Yuneshwar Sinha one golden chain, one golden ring, Rs. 6000/- have been stolen by some unknown person.
4. Learned counsel for the applicant submits that the applicant has no criminal background. He is innocent and has been falsely implicated in the present case, therefore, he shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application and submits that three other cases have been registered against the applicant.
6. On the memorandum of applicant some articles, Rs. 500/- have been seized from him. Other articles except Rs. 500/- are not the subject matter of stolen property of this case. There is no material which indicates that seized Rs. 500/- is also stolen property.
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, 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 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.
8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE