

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No.202 of 2019**

Shivkumar S/o Badri Prasad Lodhi, aged about 22 years, R/o Village Umariya,
Police Station Bilha, District (Revenue & Civil) Bilaspur. **---- Applicant**

Versus

State of Chhattisgarh, through Police Station Masturi, District (Revenue &
Civil), Bilaspur (CG). **---- Non-applicant**

For Applicant : Mr. Anand Kesharwani, Advocate.
For Non-applicant/State : Mr. S.R.J. Jaiswal, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

30.01.2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no bail application is pending before any other Court.
2. The applicant has been arrested in connection with Crime No.346/2018 registered in Police Station Masturi, District (Revenue & Civil), Bilaspur for the offence punishable under Sections 457, 380 of Indian Penal Code.
3. Prosecution story in brief is that in the intervening night of 18.08.2018/19.08.2018 from the mobile shop of complainant Surjit Barman, 38 mobile sets and cash Rs.8,500/- were stolen by some unknown persons. On the memorandum of the applicant, 05 mobile sets have been seized from him.
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 however he submitted that no criminal antecedent is reported against the applicant in police case diary.
6. 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.
7. It is directed that if the applicant furnishes two solvent sureties for a sum of Rs.25,000/- each along with a personal bond in the sum of Rs.50,000/- 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 and he shall not commit any such type of offence in future.
8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE

L/-