

**NAFR****HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 528 of 2019**

- Shesh Narayan Shrivastava S/o Late Bhagela, Aged About 44 Years, By Caste Nai, R/o Village Kendaikhar, Police Station Darri, Tahsil Katghora, District Korba Chhattisgarh, District : Korba, Chhattisgarh

**---- Applicant****Versus**

- State of Chhattisgarh Through The Station House Officer, Police Station Kusmunda, District Korba Chhattisgarh, District : Korba, Chhattisgarh

**----Non-applicant**


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For Applicant – Shri Nitesh Shrivastava, Advocate.

For Non-applicant/State – Shri Lav Sharma, Panel Lawyer.

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant****Order on Board****01-02-2019**

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 06-04-2018 in connection with Crime No.109/2017 registered at P.S. - Kusmunda, District Korba, Chhattisgarh for the offence under Section 380, 457 of the IPC.
2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 06-04-2018. No case is made out. The articles seized from possession of this applicant has not been put to identification test to be identified as stolen articles. Similarly placed co-accused Sipat Lal Dhanuwar has been granted regular bail by this Court. Therefore, it is prayed that this applicant may also be granted regular bail.
3. Learned counsel for the State/non-applicant opposes the application.
4. Heard learned counsel for the parties and perused the case diary.
5. The complainant Ajay Kumar Rathore has lodged the FIR against unknown person regarding theft of cash and gold jeweleries of gold and silver from his house. In the investigation seizure of one mobile phone, one gold

necklace and one silver payal has been made from the possession of this applicant which has not been put to any identification test.

6. After due consideration on the material present in the record of the trial Court, I feel inclined to allow this application.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-  
**(Rajendra Chandra Singh Samant)**  
**Judge**