

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 900 of 2019

- Narayano Seth S/o Rajkumar Seth Aged About 40 Years R/o Lakhanpur ,police Station Amabhona ,district Bargarh Odisha At Present R/o Shahid Chowk Raigarh Tahsil And District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer , Out Post Jutmil Police Station Kotwali Raigarh District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

---- Non-applicant

For Applicant	: Mr. Rajesh Kumar Sharma, Advocate.
For Non-applicant	: Mr. Washim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

19.02.2019

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. 1539/2018 registered at Police Station – Out Post Jutmil Police Station Kotwali Raigarh District Raigarh (C.G.) for the offence punishable under Section 379 of the Indian Penal Code.
3. Case of the prosecution, in brief is that on 30.03.2018 at about 10 am complainant Umesh Gupta had parked his motorcycle bearing registration No. ZC13H5759, Chesis No. MBLHA10EE8HF02696, Engine No. H10EA8F1F02691 at Memdabazar which was stolen by some unknown person. On the memorandum of the applicant, one motorcycle of same engine No. and chesis No. was seized from him.
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 two other criminal cases, one under IPC and another under Cr.P.C. have been registered against the applicant.
6. The Additional Sessions Judge, Raigarh was unnecessary impressed with the confessional statement of the memorandum of the accused which is not admissible in evidence.
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 two solvent sureties for a sum of Rs.25,000/- each along with a personal bond of Rs. 50,000/- to the satisfaction of the concerned Trial Court with the condition that he will not involve in any crime in future, 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