

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 1305 of 2019

- Ramesh Sahu S/o Shri Sahdev Sahu Aged About 29 Years R/o Aakash Nagar, Ranwabhata, Raipur, Tahsil And District- Raipur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through S. H. O. Police Station- Khamtarai, Police Outpost- Raipur, District- Raipur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Vaibhav A Goverdhan, Advocate.
For Respondent/State	: Mr. Amit Singh, PL.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

07/03/2019

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 450/2018, registered at Police Station – Khamtarai, District- Raipur (C.G.) for the offence punishable under Section 457, 380, 411 & 34 of the IPC.
2. As per the prosecution story, on 23.08.2018, Complainant Nageshwar Ratre lodged a report alleging therein that on 22.08.2018 at about 9:30 pm, some unknown persons have stolen clothes total amounting Rs. 1,82,000/- from his shop. On the basis of the said report, offence has been registered against unknown person. During course of investigation, on the basis of the memorandum statement of the applicant, some stolen clothes have been seized from his possession and on the basis of memorandum statement of co-accused namely Sandesh Kumar Yadav, some stolen clothes have also been seized from his possession. The applicant has been taken into custody on 23.08.2018.

3. Learned Counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that the other co-accused person namely Sandesh Kumar Yadav has already granted benefit of bail by this Court vide order dated 01.02.2019 passed in MCRC No. 196/2019, the applicant has no criminal antecedent, he is in custody since 23.08.2018, charge-sheet has already been filed and trial will take some time. Therefore, he may be released on bail.
4. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the other co-accused person namely Sandesh Kumar Yadav has already granted benefit of bail by this Court vide order dated 01.02.2019 passed in MCRC No. 196/2019, the applicant has no criminal antecedent, he is in custody since 23.08.2018, charge-sheet has already been filed and trial will likely to take some time, without further commenting on merits of the case, I am inclined to release the applicant on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one solvent surety for the like amount to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge