

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1430 of 2019

Amandeep Tiwari S/o Shri Mithilesh Chand Tiwari Aged About 27 Years R/o Ward No. 13, Mahuwa Dafai, Haldibadi, Police Station Chirmiri, District Korea, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Of Police Station Chirmiri, District Korea, Chhattisgarh

---- Respondent

For Applicant : Shri Anil Gulati, Advocate.

For Respondent/State : Smt. Smriti Shrivastava, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

01/05/2019

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. 04/2019, registered at Police Station – Chirmiri, District- Korea (C.G.) for the offence punishable under Section 379 of Indian Penal Code.
2. As per the prosecution story, on 02.01.2019, complainant Ganiram lodged a report wherein, it is alleged that on 31.12.2018, the present Applicant along with other co-accused person stole total 35 Kg of copper wire from the Bartunga Hill Mines. On the basis of said report, offence has been registered. The Applicant has been taken into custody on 02.01.2019.
3. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the present case. He further submits that the charge-sheet has been filed, Applicant is in custody since 02.01.2019 and trial will take time,

therefore, Applicant may be released on bail.

4. Per contra, learned Counsel appearing on behalf of the State opposes the bail application and submits that there are many other previous cases registered against the Applicant and out of them he has been acquitted from one case and other cases are still pending against him.
5. I have heard learned Counsel for the parties and perused the case diary with due care.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the Applicant is in custody since 02.01.2019 and trial is 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 personal bond for a sum of Rs. 50,000/- with two solvent sureties each of Rs.25,000/- to the satisfaction of the concerned Trial Court for his appearance before the said Court as and when directed.

Sd/-

(Arvind Singh Chandel)
Judge