

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1952 of 2019

- Brijesh Vishvakarma S/o Shri Anil Kumar Vishvakarma Aged About 22 Years
R/o Bhulaipur, Police Station Madiyahu, Uttar Pradesh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Amanaka, District - Raipur
Chhattisgarh.

---- Respondent

For Applicant : Shri Atanu Ghosh, Advocate.
For Respondent/State : Ms. Smriti Shrivastava, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

04/04/2019

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. 250/2018, registered at Police Station – Amanaka, District – Raipur, Chhattisgarh, for the offence punishable under Section 457, 380 r/w 34 of IPC.
2. As per the prosecution story, on 13.09.2018 Complainant Sushil Kumar Goutam lodged a report in police station alleging therein that in the night of 10.09.2018, some unknown persons broke the wall of godown and stole mobile phones, shoes and clothes from his godown amounting to Rs. 5,00,000/-. On the basis of the said, offence has been registered. During course of investigation, on the basis of the memorandum statement of the Applicant, total 45 nos. of mobile phones amounting to Rs. 57,000/- have been seized from his possession. The Applicant has been taken into custody on 08.10.2018.

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 co-accused namely Sanjay Singh and Pramod Mourya have already been granted bail by this Court vide order dated 28.02.2019 passed in MCRC No. 8610/2018 and 418/2019 respectively. Applicant has no previous antecedents, he has been taken into custody on 08.10.2018 and trial is likely to 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 charge-sheet has been filed, Applicant is in custody since 08.10.2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him 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. 50,000/- with two local 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