

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1829 of 2019**

- Vikas Singh @ Tikku Rajput S/o Shri Nirmal Singh Rajput, Aged About 22 Years R/o Tanteshwari Chowk Rawabhata, Police Station Khamtarai, District Raipur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Khamtarai, District Raipur Chhattisgarh

----Non Applicant

For the Applicant	:	Shri Hemant Kesharwani, Advocate
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For Non Applicant	:	Shri Vinod Tekam, Panel Lawyer
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Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****24.04.2019**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicants 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.48/2019 registered at Police Station- Khamtarai, District- Raipur (C.G.) for the offence punishable under Sections 379, 411/34 of Indian Penal Code.
3. Case of the prosecution, in brief is that in the intervening night of 20/21.01.2019 a truck of complainant Sonu Singh Makkad bearing registration No.CG04G6552 loaded with 7.980 metric tonne Kamdhenu nest TMT near traffic Police Station Bhanpuri, was stolen by some unknown persons. On the memorandum of applicant 23 thousand rupees was seized from him.
4. Learned counsel for the applicant submits that 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, however, submits that there is no criminal antecedent against the applicant in police case diary.
6. It appears that First Additional Sessions Judge, Raipur was unnecessarily impressed with confessional statements of the memorandum given by applicant and co-accused which are not admissible in evidence.
7. Looking to the 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 applicant furnishes one solvent surety for a sum of Rs.25,000/- along with a personal bond of Rs.25,000/- to the satisfaction of the concerned trial Court, he shall be released on bail.
8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
Judge

Parul