

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2499 of 2019**

- Sunil Markam S/o Chaitram Markam Aged About 21 Years R/o Village Jhigartola, P.S. Mavai, Tahsil Bichiya, District Mandla Madhya Pradesh. Presently R/o Near Bharat Petroleum Company, Transport Nagar, Tahsil and Ps Khamtarai, District – Raipur, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through Police Station Khamtarai, District – Raipur, Chhattisgarh.

---- Respondent

For Applicant	: Shri J.K. Gupta, Advocate.
For Respondent/State	: Ms. Smriti Shrivastava, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**09/05/2019**

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. 450/2018, registered at Police Station – Khamtarai, District- Raipur, (C.G.) for the offence punishable under Sections 380, 411, 457/34 of the Indian Penal Code.
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. 90,000/- from his shop. On the basis of the said report, offence has been registered against the present Applicant. During course of investigation, on the basis of the memorandum statement of the Applicant, some stolen clothes have been seized from his possession. The Applicant has been taken into custody on 26.08.2018.
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 Applicant has no criminal antecedent. He also states that co-accused namely Sandesh Kumar Sahu and Ramesh Sahu have already been granted bail by this Court vide order dated 01.02.2019 passed in MCRC No. 196/2019 and vide order dated 07.03.2019 passed in MCRC No. 1305/2019 respectively. Applicant is in custody since 26.08.2018 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 Applicant has no criminal antecedent, he is in custody since 26.08.2018 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. 20,000/- with one solvent surety for the like amount to the satisfaction of the concerned Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge