

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No.2567 of 2019**

Nilesh Kashyap, son of Shri Ajay Kumar Kashyap, aged about 23 years,
R/o Near Govt. Primary School, Dev Nagar, Chhotikoni, Police Station
Koni, Tahsil Bilaspur, Civil & Revenue District Bilaspur (CG).

---Applicant**Versus**

State of Chhattisgarh, through Station House Officer, Police Station
Koni, Civil & Revenue District Bilaspur (CG).

---- Non-applicant

For Applicant : Mr. Paras Mani Shriwas, Advocate

For Non-applicant : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****30.04.2019**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and his no bail application is pending before any other Court.
2. Perused the case diary provided by the counsel for the State in connection with Crime No.25/2019 registered in Police Station Koni, District Bilaspur for the offence punishable under Sections 457, 380, 34 of Indian Penal Code.
3. Case of the prosecution, in brief is that complainant Sampati Yadav is a resident of village Kanchanpur. In the intervening night of 21.01.2019 and 22.01.2019, some unknown persons have stolen one sewing machine of Vishnu company, home theater, gas cylinder, cash Rs.2500/- one pair of silver anklet and one pair of silver laccha from the house of said complainant. On the memorandum of applicant, one pair of silver anklet and one sewing machine of Vishnu company have been seized from him.
4. Counsel for the applicant argued that the applicant is an innocent and has been falsely implicated in the present case hence he may be released on bail.
5. On the other hand, counsel for the State opposed the bail application. However, he submitted that similar type of one case has already been registered against the applicant in police case diary.
6. Looking to the above facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, the application is allowed. It is ordered that if the applicant furnishes two solvent sureties for a sum of Rs.25,000/- along with one personal bond of Rs.50,000/- to the satisfaction of the concerned Trial Court with the condition that will not involve himself in any of the crime in future, he be released on bail.
7. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)

JUDGE