

**NAFR****HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No.3177 of 2019**

Akshay Gayakwad, S/o Ashok Gayakwad, aged about 19 years, R/o Dhiwra, Police Station Kharora, District Raipur (CG).

**---- Applicant****Versus**

State of Chhattisgarh, through Station House Officer, Police Station Kharora, District Raipur (CG).

**---- Non-applicant**

For Applicant : Mr. B.L. Sahu, Advocate.  
For Non-applicant : Mr. S.R.J. Jaiswal, Panel Lawyer

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

**26.06.2019**

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. The applicant has been arrested in connection with Crime No.58/2019 registered in Police Station Kharora, District Raipur for the offence punishable under Section 379 of Indian Penal Code.
3. Prosecution story in brief is that complainant Raj Kumar Agrawal is a resident of village Kharora. In the intervening night of 12.02.2019 to 13.02.2019 his motorcycle bearing chasis No.MBLHARO58H9BO5590 was stolen by some unknown person from the front of his house. One motorcycle bearing same chasis number was seized from the possession of the applicant.
4. Counsel for the applicant submitted that the applicant is an innocent and has been falsely implicated in the present case hence he may be released on bail.

5. Counsel for the State opposed the bail application. However, he submitted that no criminal antecedent is reported against the applicant in police case diary.
6. Looking to these facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence; and the trial is likely to take some more time for its final disposal, this Court is inclined to give benefits of Section 439 of the CrPC to the applicant. Accordingly, the bail application is allowed.
7. It is directed that if the applicant furnishes two solvent sureties for a sum of Rs.25,000/- each along with a personal bond in the sum of Rs.50,000/- to the satisfaction of the concerned Trial Court with the condition that he shall appear before the Trial Court at 11:00 am as and when directed till trial and he would co-operate during the trial, he shall be released on bail and he shall not commit such type of offence in future.
8. Certified copy as per rules.

**Sd/-**

(Sharad Kumar Gupta)  
**JUDGE**

L/-