

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3446 of 2019

- Shiv Govind Dhobi, S/o Shri Kallu Prasad Dhobi, Aged About 28 Years, At Present R/o Seema Nagar, Gali No.7, House Of Rani Devi Telibandha, District-Raipur Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Ganj, Civil & Revenue District-Raipur, Chhattisgarh.

---- Respondent

For Applicant	:	Ms. Sunita Sahu, Advocate.
For Respondent/State	:	Mr. Lav Sharma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

03/07/2019

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.152/2019 registered at Police Station–Ganj, District–Raipur(C.G.) for the offence punishable under Sections 380, 511 of the Indian Penal Code.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. The applicant is in jail since 08.04.2019. He has no criminal antecedent. Charge-sheet has been filed, after completion of investigation, therefore, it is prayed that he may be enlarged on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that the applicant has attempted to commit theft by breaking open the ATM machine, hence, the offence is of serious in nature.
4. Heard both the parties and perused the case diary.
5. On the date of incident, this applicant was making an attempt to open the ATM machine on the spot of the incident after pulling down the shutter. The police petrolling team caught the applicant red-handed inside the ATM cabin. Hence, this case.
6. As the case is now before the trial Court and that this applicant has appeared to be first offender, for this reason, I feel inclined to allow the application of this applicant.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on regular bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge