

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3555 of 2019

Nitish, S/o. Ashok Patel, Aged About 19 Years, R/o. Dhuma, Nayapara, Police Station Civil Lines, District Bilaspur Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through : Police Station Civil Lines, District Bilaspur Chhattisgarh.

---- Respondent

For Applicant	: Mr. Dinesh Kumar Bole, Advocate
For Respondent/State	: Mr. Shubhash Yadav, Dy.G.A.

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

09/07/2019

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.111/2019, registered at Police Station –Civil Lines, District – Bilaspur (C.G.) for the offence punishable under Section 392, 34 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant. The applicant is in jail since 16.02.2019. The applicant is a young man of tender age and he has no previous criminal history. Charge-sheet in this case has been filed after completion of investigation. Therefore, it is prayed that the applicant be granted regular bail.
3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted

that recovery of the looted mobile has been made from the possession of this applicant, therefore, he is not entitled for grant of regular bail.

4. I have heard the learned counsel for both the parties and perused the case diary.
5. Complainant Shiva Gorakh lodged FIR against unknown person alleging that his mobile of value Rs.10,000/- was looted by unknown motor cycle rider. During the investigation, at the instance of this applicant, looted mobile has been seized. Hence, this case.
6. Considered on the submissions made and the contents of the case diary. Considering on the material present in the case diary as it appears that the applicant is young man of 19 years of age and he has no criminal antecedents. Further the case now before the trial Court and there is no requirement of further detention of the applicant for the purpose of investigation, hence for th is reason, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge