

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3861 of 2019

- Suraj Kumar Gautam @ Sikky S/o Shyamlal Gautam Aged About 24 Years R/o Bapunagar, Khursipar, Bhilai, District Durg Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate, Durg, District Durg Chhattisgarh.

---- Respondent

For Applicant : Mr. Rahim Ubwani, Advocate.
For Respondent/State : Mr. KK Dewangan, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

10/07/2019

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. 337/2018, registered at Police Station – Nandini Nagar, District – Durg, (C.G.) for the offence punishable under Sections 457, 380 & 34 of the Indian Penal Code.
2. In this case there are total 3 accused persons. As per prosecution story, on 10.12.2018, complainant of the case namely Manoj Jain, who is the owner of one jewellery shop which is adjacent to his house, lodged a report against unknown person alleging that in the intervening night of 9/12/2019-10/12/2019, some unknown persons entered in his jewellery shop and stole some gold and silver ornaments and cash total amounting to Rs. 3,50,000/-. On the basis of the said, offence has been registered. During course of investigation, on the basis of memorandum statement of co-accused Lokesh @ Golu, cash of Rs. 1,700/- has been seized from the possession of the Applicant. The Applicant is in custody since 31.03.2019.

3. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. Prima facie no offence can be made out against him. Only on the basis of statement of co-accused, the Applicant has falsely been implicated. Co-accused Lokesh @ Golu has already granted benefit of bail by this Court vide order dated 19.06.2019 passed in MCRC No. 3826/2019. The Applicant has no previous antecedents, he is in custody since 31.03.2019, charge-sheet has been filed and trial is likely to 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 co-accused Lokesh @ Golu has already granted benefit of bail by this Court, the Applicant has no previous antecedents, he is in custody since 31.03.2019 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