

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3963 of 2019

- Bhupesh Soni, S/o Shri Sampatti Soni, Aged About 20 Years, R/o Village Karhibazar, Chowki - Karhibazar, P.S. City Kotwali Baloda Bazar, District Baloda Bazar – Bhatapara, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh, Through Police Chowki Karhibazar, P.S. City Kotwali, District-Baloda Bazar-Bhatapara Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Basant Kaiwartya, Advocate.
For Respondent	:	Mr. Ghanshyam Patel, Govt. Advocate.

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

30/07/2019

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.291/2019 registered at Police Station– Chowki, Karhibazar, P.S.-City Kotwali, District– Balodabazaar, Bhatapara(C.G.) for the offence punishable under Sections 457, 380, 34 of the Indian Penal Code.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. He is in jail since 09.05,2019. No case is made out against him. The applicant is young man of tender age and does not have any criminal antecedent, hence, it is prayed that he may be released on regular bail.
3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that recovery of stolen articles

have been made from the possession of this applicant, therefore, he is not entitled for grant of regular bail.

4. Heard both the parties and perused the case diary.
5. Complainant Deendayal Dewangan has lodged FIR regarding the commission of offence of theft in his place of residence in which the jeweleries of gold and silver and also cash amount were found stolen by some unknown person. During investigation, this applicant was apprehended and at his instance some jewelery and some cash have been recovered and seized from his possession but the co-accused person is still absconding. Hence, this case.
6. Considering that this applicant is young man of only 20 years age and he does not have any criminal antecedent and, further, for the reason that the case is now pending before the trial Court after filing of charge-sheet, hence, for this reason, I am of this view that this is a fit case where applicant should be enlarged on regular bail.
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 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