

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4566 of 2019**

- Sushil Kumar Bharti S/o Kunjbihari, Aged About 20 Years R/o Bapunagar, Khursipar, Bhilai, District- Durg, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Nandaningar Durg, Civil and Revenue District- Durg, Chhattisgarh.

---- Respondent

For Applicant : Shri Sanjay Kumar Agrawal, Advocate.
For Respondent/State : Shri Amit Singh, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**01/08/2019**

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 – Nandani Nagar, District – Durg, (C.G.) for the offence punishable under Sections 457, 380, 34 of the Indian Penal Code.
2. As per the prosecution story, on 10.12.2018, Complainant of the case namely Manoj Jain, who is the owner on one jewelery shop which is adjacent to his house, lodged a report against unknown person alleging that in the intervening night of 9,10/12/2019, some unknown person entered in his jewelery shop and stole ornaments of gold and silver and cash total amounting Rs. 7,50,000/-. On the basis of the said, offence has been registered. During course of investigation, on the basis of memorandum statement of the Applicant, cash of Rs. 2,300/- has been seized from his possession. Applicant has been arrested on 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. He further submits that co-accused persons namely Lokesh@ Golu and Suraj Kumar Gautam @ Sikky have already been granted bail by this Court vide order dated 19.06.2019 and 10.07.2019 passed in MCRC No. 3826/2019 and MCRC No. 3861/2019 respectively. 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 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