

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 4150 of 2019

- Krishnakant S/o Baldou Prasad Sharma Aged About 27 Years R/o Polsai Para Durg, Tahsil And District Durg Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Kotwali, Durg, District Durg Chhattisgarh.

---- Respondent

For Applicant	: Mr. BP Singh, Advocate.
For Respondent/State	: Ms. Smriti Shrivastava, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

17/07/2019

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. 340/2019, registered at Police Station Kotwali, District Durg (C.G.) for the offence punishable under Section 457 & 380 of the IPC.
2. As per prosecution story, complainant of the case Saroj Kumar Mahilange lodged a report in Police Station, Kotwali, Durg, alleging therein that on 07.04.2019, he was stayed in Room NO. 3 of PWD Rest House, where, after taking food he was sleeping, on the next day when he woke up, he saw that his mobile, watch hard disc and other articles were stolen by some unknown person. On the basis of said background, he made a report. During course of investigation, stolen articles have been seized from the possession of the applicant and he has been arrested on 11.04.2019.
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 the applicant has no criminal antecedent, on the basis of same facts and evidence co-accused Shashank Das @ Chinna granted benefit of bail by this Court vide order dated 28.06.2019 passed in MCRC No. 3849/2019. The applicant is in custody since 11.04.2019, charge-sheet has already been filed and trial is likely to take some time. Therefore, the applicant may be released on bail.

4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for both the parties.
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 criminal antecedent, on the same facts and evidence co-accused Shashank Das @ Chinna granted benefit of bail by this Court. The applicant is in custody since 11.04.2019, charge-sheet has already been filed and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release the applicant 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. 25,000/- with one solvent surety for the like sum to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)

Judge