

NAFRHIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 4385 of 2019

- Sapan Kapari S/o Ranjeet Kapari Aged About 29 Years R/o Durga Chowk, Subhash Ward, Jagdalpur, District- Bastar, Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station- Kondagaon, District- Kondagaon, Chhattisgarh., District : Kondagaon, Chhattisgarh

---- Non-applicant

For Applicant : Mr. P.K. Tulsyan, Advocate.

For Non-applicant : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar GuptaOrder On Board27.08.2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with crime No. 123/2019 registered at Police Station – Kondagaon District – Kondagaon (C.G.) for the offence punishable under Sections 380, 457, 411/34 of the Indian Penal Code.
3. Case of the prosecution, in brief is that complainant Dilip Jain is resident of Kondagaon. On 18.05.2019 between 05 pm to 08:30 pm from his house some unknown persons stole Rs. 4,00,000/- cash, gold ornaments, silver ornament, silver coins, some silver bowls worth Rs.

1,50,000/-. On the memorandum of the coaccused Rajesh Yadav some golden and silver articles were seized from him. As per the identification of articles, complainant Dilip Jain identified the articles which were allegedly seized from the applicant.

4. Learned counsel for the applicant submits that the applicant has no criminal background. He is innocent and has been falsely implicated in the present case, therefore, he shall be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application, however submits that there is no antecedent against the applicant.

6. Looking to the above mentioned facts and circumstances of the case, looking to the prima facie material available on record against the applicant, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, It is directed that if the applicant furnishes two solvent sureties for a sum of Rs.25,000/- each along with a personal bond of Rs. 50,000/- to the satisfaction of the concerned Court with the condition that he will not involve in any similar type of crime in future, he will appear before the concerned Court at 11:00 am as and when directed till trial and he would cooperate during the trial, he shall be released on bail.

7. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE