

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 4414 of 2019**

Ajay Chouhan, son of Ganesh Ram Chouhan, aged about 28 years, R/o Village Dongadhakel, P.S. Bhupdeopur, District Raigarh (CG).

**---- Applicant****Versus**

State of Chhattisgarh, through Station House Officer, Police Station Bhupdeopur, District Raigarh (CG).

**---- Non-applicant**

For Applicant : Mr. Ishwar Jaiswal, Advocate.  
For Non-applicant : Mr. Vinod Tekam, Panel Lawyer

**Hon'ble Shri Justice Sharad Kumar Gupta**  
**Order On Board**

**03.09.2019**

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 counsel for the State in connection with crime No.91/2019 registered at Police Station Bhupdeopur, District Raigarh for the offence punishable under Section 379/34 of Indian Penal Code.
3. Case of the prosecution, in brief is that between 15.05.2019 to 17.05.2019 some unknown persons stole submersible pump worth Rs.23,000/- and cable wire worth Rs.12,000/-, total Rs.35,000/- from the premises of Government Middle School, Pandaripani. On the memorandum of applicant, one Scooty was seized from him.
4. Counsel for the applicant submits that the applicant has not committed any offence. He is an innocent and has been falsely

implicated in the present case, therefore, he may be released on bail.

5. On the other hand, counsel for the State opposes the bail application. However, he further submits that five criminal cases, out of which, two cases under IPC and three cases under CrPC have already been registered against the applicant.

6. Second Additional Sessions Judge, Raigarh has wrongly mentioned in his order dated 30.05.2018 that on the memorandum of applicant, pump and wire were seized from him.

7. Though five other criminal cases have already been registered against the applicant, but looking to the prima facie material available on record especially regarding the applicant, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence; and the trial is likely to take some more time for its final disposal, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the applicant. Accordingly, the bail application is allowed.

8. It is directed that if the applicant furnishes one solvent surety for a sum of Rs.25,000/- along with a personal bond in the like sum to the satisfaction of the concerned Court with the condition that he shall appear before the concerned Court at 11:00 am as and when directed till trial and he would co-operate during the trial, he shall be released on bail.

9. Certified copy as per rules.

**Sd/-**

(Sharad Kumar Gupta)

**JUDGE**

L/-