

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 5247 of 2019**

- Kirtan Patel S/o Tiharu Patel Aged About 35 Years Caste Patel, R/o Village Soniyadih, Police-Station-Bilaigarh, District-Baloda Bazar, Chhattisgarh.

**---- Applicant**

**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Birra, Civil And Revenue District Janjgir Champa Chhattisgarh.

**---- Respondent**

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For Applicant : Mr. Dashrath Kushwaha, Advocate.

For Respondent : Mr. Jitendra Shukla, Panel Lawyer.

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

**20/09/2019**

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.52/2019 registered at Police Station–Birra, Civil & Revenue District– Janjgir-Champa(C.G.) for the offence punishable under Sections 457, 380 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 15.05.2019. The applicant has not committed any offence. Charge-sheet has been filed, hence, it is prayed that he may be enlarged on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that on the same date and time of incident, theft was committed in number of other houses of the same locality for which the applicant is suspected, therefore, his application be rejected.
4. Heard both the parties and perused the case diary.
5. FIR has been lodged by the complainant regarding theft of cash Rs.8,530/-, silver jewelery and other articles. During investigation, all the stolen articles have been recovered from the possession of this applicant.
6. Considering that this is the only case pending against the applicant and he has no criminal antecedents. Further, the case is pending for trial, therefore, I feel inclined to allow the application of this applicant.
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 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