

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9174 of 2018**

Anil Savra S/o Albela Savra Aged About 28 Years R/o Hathband, Tahsil
And P. S. Simga, District Baloda Bazar-Bhatapara Chhattisgarh,
District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police
Station Simga, District Baloda Bazar-Bhatapara Chhattisgarh,
District : Balodabazar-Bhathapara, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Sushobhit Singh, Advocate
For the State	:	Shri A.K. Swarnkar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**07/01/2019**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with the Ishtgasha No.02/2018 registered at Police Station Simga, District Balodabazar-Bhatapara (C.G.) for the offence punishable under Section 379, 41(1+4) of IPC.
3. Case of the prosecution, in brief is that applicant had stolen number of mobile phones and had given to the co-accused Devrat Verma @ Golu Verma. The memorandum of co-accused Devrat Verma was recorded in Crime No. 169/2018. In complaint case 3/2018, Police Station Simga the memorandum of applicant has been recorded but no seizure has made from him.
4. Learned counsel for the applicant submits that he has innocent and falsely implicated in the present case, therefore, he shall be released on bail.
5. State counsel submits that four other criminal cases have been registered against the applicant.
6. As per the web copy of the co-ordinate Bench dated 31/10/2018 passed in MCRC No. 8287 of 2018 co-accused Devrat has bailed out.
7. Though, four other criminal cases have been registered against the applicant, but looking to the facts and circumstances of the case, looking to the *prima facie* evidence available against the applicant, this Court is

inclined to give the benefit of Section 439 of the Cr.P.C. to the present applicant.

8. Consequently, the bail application filed under Section 439 of the Cr.P.C., is allowed.
9. 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 shall appear before the trial Court at 11.00 am as and when directed till trial and he would cooperate during the trial, he shall be released on bail.

Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde