

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9433 of 2018**

- Abhishekh Sharma, aged about 23 years, S/o Santosh Sharma, Caste- Brahman, R/o Ward No. 06, Sakti, Police Station & Tahsil – Sakti, District- Janjgir-Champa, Chhattigarh.

---- Applicant**Versus**

- State of Chhattisgarh Through- SHO, P.S. Sakti, District- Janjgir- Champa, Chhattisgarh.

---- Respondent

For Applicant	: Shri Kamlesh Kumar Pandey, Advocate.
For Respondent/State	: Shri Bhaskar Payashi, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**11/01/2019**

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. 470/2018, registered at Police Station – Sakti, District- Janjgir-Champa, (C.G.) for the offence punishable under Section 380 of IPC.
2. As per the prosecution story, on 17.08.2018 Complainant Bhuneshwar Chouhan lodged a report at police station alleging therein that his Samsung J-4 mobile has been stolen from Community Health Centre, Sakti on 15.08.2018. On the basis of the said report, offence has been registered against the unknown person. During course of investigation, on the basis of memorandum statement of the Applicant, the said stolen mobile has been seized from his possession. The Applicant has been taken into custody since 24.08.2018.
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 one criminal antecedent from which he has already been acquitted. He also submits that the Applicant is in custody since 24.08.2018 and trial will take some time. Charge-sheet has already been filed. Therefore, he may be released on bail.

4. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the Applicant is in custody since 24.08.2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him 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. 20,000/- with one solvent surety for the like amount to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge