

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 9460 of 2018**

Nabi Ali, son of Yusuf Ali, aged about 20 years, R/o Ganesh Nagar, Chuchuhiyapara, Police Station Sirgitti, Bilaspur District Bilaspur (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Station House Officer, Police Station Sirgitti, Civil and Revenue District Bilaspur (CG).

---- Non-applicant

For Applicant	: Mr. Vinod Kumar Tekam, Advocate.
For Non-applicant	: Mr. I. Lakra, Dy.A.G.

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

10.01.2019

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.274/2018 registered at Police Station Sirgitti, Civil and Revenue District Bilaspur for the offence punishable under Sections 341, 392, 34 of Indian Penal Code.
3. Case of the prosecution, in brief is that on 18.04.2018 at about 11:00 p.m., the complainant Firatu Kewant, Ajay Nayak and Pintu Patre were walking from Railway Station, Bilaspur then two unknown persons stopped them at near Mahamaya Mandir, Ratanpur and robbed one micromax mobile from complainant Firatu Kewant, Rs.300/- from complainant Ajay Nayak and Rs.600/- and one micromax mobile from complainant Pintu Patre. On the memorandum of the applicant, one micromax mobile and Rs.100/- were seized from him. Complainant Firatu Kewant identified the said seized mobile.
4. Counsel for the applicant submits that the applicant has not committed any offence. He is 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 prayer for grant of bail to the applicant. He further submits that no criminal antecedent is reported against the applicant in police case diary.

6. Looking to these facts and circumstances of the case, 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.

7. 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 Trial 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 co-operate during the trial, he shall be released on bail.

8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)

JUDGE

L/-